

LAND DEVELOPMENT REGULATIONS

OF THE

BOROUGH OF HELMETTA

NEW JERSEY



ZONING MAP

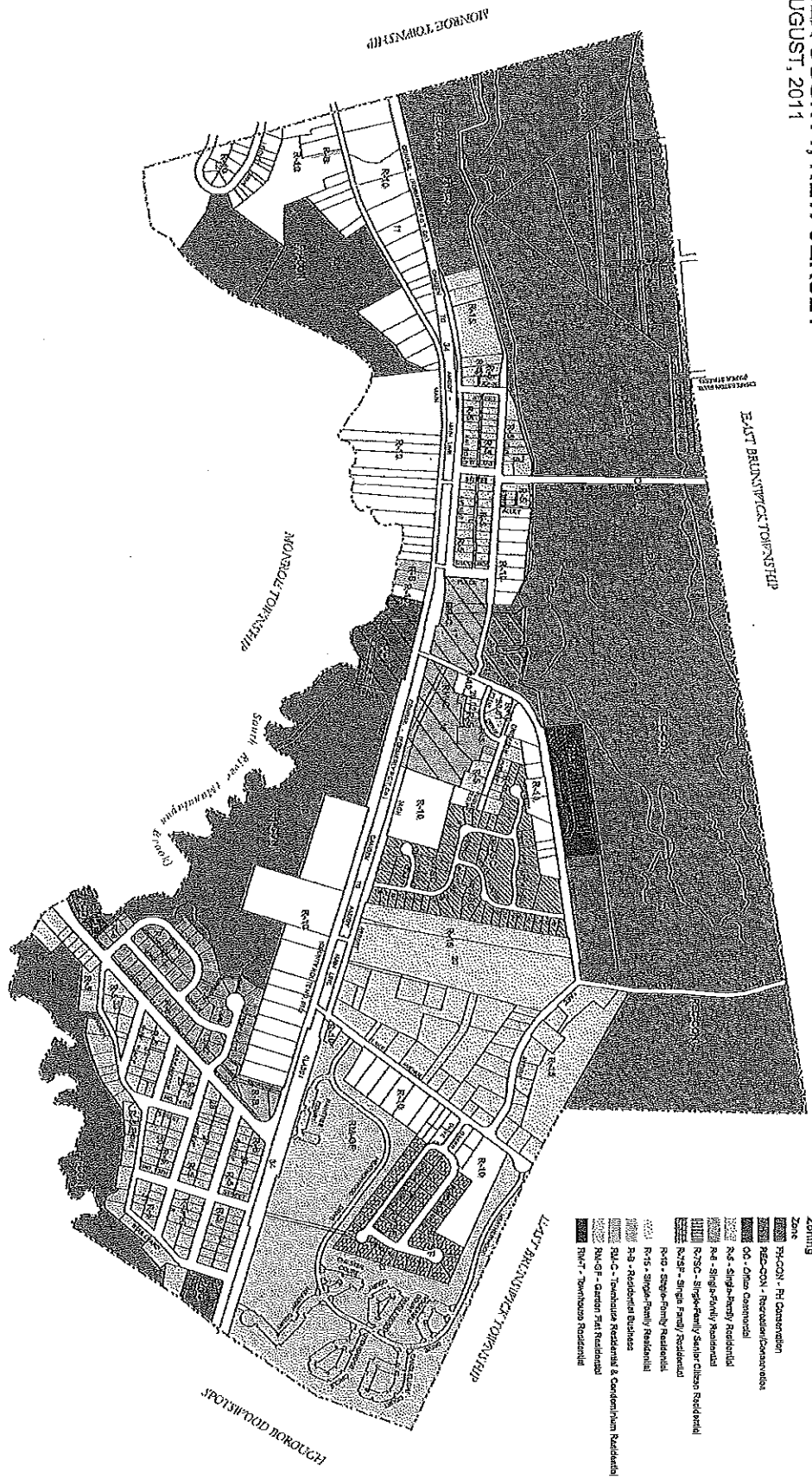
BOROUGH OF HELMETTA

MIDDLESEX COUNTY, NEW JERSEY

REVISED-AUGUST, 2011



LIMITS OF HELME HILL
REDEVELOPMENT AREA

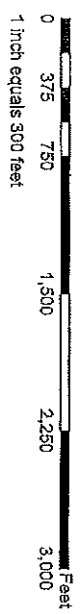


Legend

- Municipal Boundaries
- Easement Lines
- Private Street
- Lot Lines
- Right of Way

Zoning

- ZONE P1-COM - Pl. Commercial
- ZONE P2-COM - Recreation/Commercial
- ZONE OC - Office Commercial
- ZONE R-1 - Single-Family Residential
- ZONE R-2 - Single-Family Residential
- ZONE R-3 - Single-Family Residential
- ZONE R-4 - Single-Family Residential
- ZONE R-5 - Single-Family Residential
- ZONE R-6 - Single-Family Residential
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- ZONE R-99 - Residential Medium Density
- ZONE R-100 - Residential Medium Density



This Map is Not for Sale
 All policies are based on the Ordinance
 of the Board of Ordinance
 of the Borough of Helmetta
 New Jersey State Planning System

R Planning & Technical Services
 222 Oak Street, Suite 200
 Newark, NJ 07102
 Tel: 973-995-1100
 Fax: 973-995-1101
 Web: www.rpsnj.com

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Chapter 40
LAND DEVELOPMENT

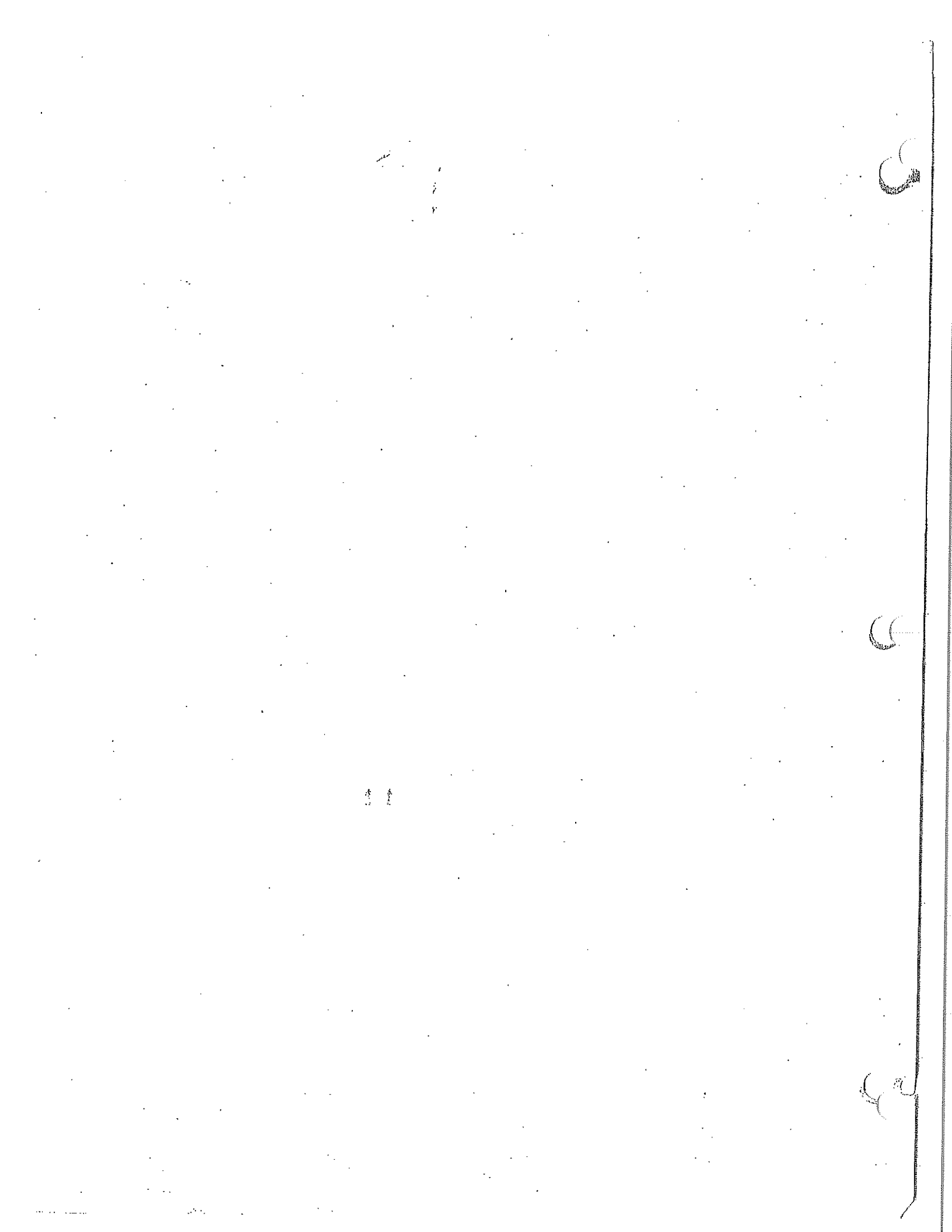
Code
of the
Borough of
Helmetta

COUNTY OF MIDDLESEX
STATE OF NEW JERSEY

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INSTRUCTIONS

Borough of Helmetta Land Development Regulations
Supplement No. 2

The enclosed new and/or replacement pages should be placed in your Code volume immediately! The dateline, on the bottom of the page, does not indicate the adoption date of the Code changes, but rather identifies the pages printed with this supplement. This instruction page should be placed in the front of your Code volume.

NOTE: You will notice a difference in page numbers with this supplement. The entire chapter has been reprinted to accommodate this improvement.

REMOVE

4001 - 4154
Schedule of Street
Dimensions
Average Maintained
Horizontal Illumination
Zoning Bulk Schedule
Requirements, Part 1

Zoning Bulk Schedule
Requirements, Part 2

Land Development Index,
LDI-1 - LDI-13

INSERT

40:1 - 40:179
40:A1 - 40:A2 (Schedule of
Street Dimensions)
40:A3 (Average Maintained
Horizontal Illumination)
40:A5 - 40:A6 (Zoning Bulk
Schedule Requirements,
Part 1)
40:A7 - 40:A8 (Zoning Bulk
Schedule Requirements,
Part 2)
Land Development Index,
LDI-1 - LDI-11

Legislation, by number or date of adoption, included in this supplement: Ord. No. 15-2002.



Chapter 40

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LAND DEVELOPMENT

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Schedule of Street Dimensions

Average Maintained
Horizontal Illumination

Zoning Bulk Schedule
Requirements, Part 1

Zoning Bulk Schedule
Requirements, Part 2

[HISTORY: Adopted by the Mayor and Council of the Borough of Helmetta 4-2-1990. This ordinance also superseded former Ch. 40, Land Use Procedures, adopted 5-23-1979, as amended. Amendments noted where applicable.]

GENERAL REFERENCES

Affordable housing — See Ch. 17A.
Certificates of occupancy — See Ch. 28A.
Uniform construction codes — See Ch. 29A.

Flood damage prevention — See Ch. 36.
Housing standards — See Ch. 39.

ARTICLE I
Title

§ 40-1. Short title.

This chapter shall be known and cited as the "1989 Land Development Ordinance of the Borough of Helmetta, New Jersey."

ARTICLE II
Intent and Purpose

§ 40-2. Intent; purpose.

There is hereby ordained by the Mayor and Council of the Borough of Helmetta, New Jersey, pursuant to the provisions of P.L. 1975 c. 291, as amended (N.J.S.A. 40:55D-1 et seq.), a land development ordinance for the following purposes:

- A. To encourage municipal action to guide the appropriate use or development of all lands in this Borough in a manner which will promote the public health, safety, morals and general welfare.
- B. To secure safety from fire, flood, panic and other natural and man-made disasters.
- C. To provide adequate light, air and open space.
- D. To limit and restrict buildings and structures to specified districts and regulate buildings and structures according to their type and the nature and extent of the use of land for trade, industry, residence, open space or other purposes.
- E. To regulate the bulk, height, number of stories and size of buildings and other structures.
- F. To ensure that the development and this municipality does not conflict with the development and general welfare of neighboring municipalities, Middlesex County and the state as a whole.
- G. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment.
- H. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.
- I. To provide sufficient space in appropriate locations for the variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all Helmetta residents.
- J. To encourage the location and design of transportation routes which will promote the free flow of traffic which discouraging location of such facilities and routes which results in congestion or blight.

- K. To promote desirable visual environment through creative development techniques and good civic design and arrangements.
- L. To promote the conservation of open space, historic sites, energy resources and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land.
- M. To encourage planned unit development which incorporates the best features of design and to relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site.
- N. To encourage senior citizen community housing construction.
- O. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.
- P. To promote the general welfare of the public by providing for affordable housing within the Borough of Helmetta. [Added 7-12-1995 by Ord. No. 16-1995; amended 8-23-1995 by Ord. No. 18-1995]
- Q. To provide a realistic opportunity to accomplish the Borough of Helmetta's fair share of the regional need for low- and moderate-income housing, and establish a mechanism for assuring that housing units designated for occupancy by low- or moderate-income households remain affordable to and occupied by such households. [Added 7-12-1995 by Ord. No. 16-1995; amended 8-23-1995 by Ord. No. 18-1995]
- R. To conform to the Substantive Rules of the New Jersey Council on Affordable Housing, N.J.A.C. 5:93-1 et seq., as amended and supplemented. [Added 7-12-1995 by Ord. No. 16-1995; amended 8-23-1995 by Ord. No. 18-1995]

ARTICLE III

Provisions Applicable to Both Planning Board/Zoning Board of Adjustment or a Combined Planning/Zoning Board

§ 40-3. Conflicts of interest.

No member of the Planning Board/Zoning Board of Adjustment shall act on any matter in which he has, either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.

§ 40-4. Application procedure.

- A. All applications for development shall be filed with the control officer. At the time of filing of application, the applicant shall also file the fee, a completed checklist¹ or forms.

1. Editor's Note: Said checklist is available at the office of the Borough Clerk.

attached to and made a part of this chapter, any request for waiver and any and all maps required by this section. The applicant shall obtain all necessary forms from the control officer.

- B. Upon receipt of an application for development, the control officer shall forward the submitted material to the municipal agency or its authorized committee or designee for review and to certify the application is complete.
- C. Within 45 days from the filing, as required in Article III, § 40-4A, the municipal agency or its authorized committee or designee shall review and certify the application to be complete or incomplete.
 - (1) If incomplete, the municipal agency or its authorized committee or designee shall certify, in writing, the deficiencies in the application on a checklist² or forms attached to and made a part of this chapter.
 - (2) The application shall be deemed complete within 45 days of the date of its submission if the municipal agency or its authorized committee or designee does not certify the application to be incomplete.
- D. The applicant may request a waiver of one or more of the submissions required in Article III, § 40-4A. The request must be in writing, stating the reason therefor. The municipal agency or its authorized committee or designee shall grant or deny the request within 45 days of the request.
- E. The control officer, in consort with the Board Chairman, shall assign a hearing date and notify the applicant of the same within five days of the application being deemed complete. Notice to the applicant shall be in writing, by regular mail. Upon receipt of a date for hearing, the applicant shall proceed to give proper notice of the hearing and comply with all other provisions of this chapter and the Municipal Land Use Law.³

§ 40-5. Meetings.

- A. Meetings of the Planning Board/Zoning Board of Adjustment shall be scheduled no less than once a month, and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process.
- B. Special meetings may be provided for at the call of the Chairman or on the request of any two (2) Board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.
- C. No action shall be taken at any meeting without a quorum being present.
- D. All actions shall be taken by majority vote of a quorum, except as otherwise required by any provision of Chapter 291 of the Laws of 1975 (see N.J.S.A. 40:55D-9 et. seq.).

2. Editor's Note: Said checklist is available at the office of the Borough Clerk.

3. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

- E. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Act, Chapter 231 of the Laws of 1975 (see N.J.S.A. 10:4-6 et. seq.). An executive session for the purpose of discussing and studying any matters to come before the Board shall not be deemed a regular or special meeting in accordance with the provisions of N.J.S.A. 40:55D-9.

§ 40-6. Minutes.

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Board Secretary. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a reasonable fee for reproduction of the minutes for his use as provided for in the rules of the Board.

§ 40-7. Fees and documents.

Fees and documents for applications or for the rendering of any service by the Planning Board/Zoning Board of Adjustment or any member of their administrative staffs which are not otherwise provided for by ordinance may be provided for and adopted as part of the rules of the Board, and copies of said rules or of the separate fee and submission schedule shall be made available to the public.

§ 40-8. Hearings.

- A. Rules. The Planning Board/Zoning Board of Adjustment may make rules governing the conduct of hearings before such bodies, which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-1 et seq. or of this chapter.
- B. Oaths. The officer presiding at the hearing of such person as he may designate shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law, P.L. 1953, c. 38 (N.J.S.A. 2A:67A-1 et seq.), shall apply.
- C. Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations to time and number of witnesses.
- D. Evidence. Technical rules and evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.

- E. Records. Each Board shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense.

§ 40-9. Notice requirements for hearings.

- A. Whenever a hearing is required on an application for development pursuant to N.J.S.A. 40:55D-1 et seq., the applicant shall give notice thereof as follows:

- (1) Public notice shall be given by publication in the official newspaper or the municipality at least ten (10) days prior to the date of the hearing.
- (2) Notice shall be given to the owners of all real property, as shown on the current tax duplicate or duplicates, located within two hundred (200) feet in all directions of the property which is the subject of such hearing and whether located within or without the municipality in which the applicant's land is located. Such notice shall be given by serving a copy thereof on the owner as shown on said current tax duplicate or his agent in charge of the property or by mailing a copy thereof by certified mail to the property owner at his address as shown on said current tax duplicate. A return receipt is not required. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.
- (3) Notice of all hearings on applications for development involving property located within two hundred (200) feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality, which notice shall be in addition to the notice required to be given to the owners of lands in such adjoining municipality which are located within two hundred (200) feet of the subject premises.
- (4) Notice shall be given by personal service or certified mail to the Middlesex County Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the Official County Map or the Middlesex County Master Plan, adjoining other county land or situate within two hundred (200) feet of a municipal boundary.
- (5) Notice shall be given by personal service or certified mail to the New Jersey Commissioner of Transportation of a hearing on an application for development of property adjacent to a state highway.
- (6) Notice shall be given by personal service or certified mail to the State Planning Commission of a hearing on an application for development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the Municipal Clerk pursuant to Section 6b of Chapter 291 of the Laws of 1975 (see N.J.S.A. 40:55D-10).

- B. All notices hereinabove specified in this section shall be given at least ten (10) days prior to the date fixed for hearing, and the applicant shall file an affidavit of proof of service with the Board holding the hearing on the application for development.
- C. Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.
- D. Form of notice. All notices required to be given pursuant to the terms of this chapter shall state the date, time and place of the hearing; the nature of the matters to be considered; identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Municipal Tax Assessor's office; and the location and times at which any maps and documents for which approval is sought are available as required by law.

§ 40-10. List of property owners furnished.

Pursuant to the provisions of N.J.S.A. 40:55D-12c, the Borough Tax Assessor shall, within seven (7) days after receipt of a request therefor, make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice. A fee as set forth from time to time by resolution of the governing body shall be charged for such list.

§ 40-11. Decisions.

- A. Each decision on any application for development shall be set forth, in writing, as a resolution of the Board, which shall include findings of fact and legal conclusions based thereon and shall be memorialized by resolution adopted at a meeting held not later than forty-five (45) days after the date of the meeting at which the reviewing agency voted to grant or deny approval. Only members of the Board who voted for the action taken may vote on the memorializing resolution.
- B. A copy of the decision shall be mailed by the Board within ten (10) days of the date of decision to the applicant, or, if represented, then to his attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee prescribed by the Board for such service. A copy of the decision shall also be filed in the office of the Municipal Clerk, who shall make a copy of such filed decision available to any interested party upon payment of a fee calculated in the same manner as those fees established for copies of other public documents in the municipality.

§ 40-12. Publication of decisions.

A brief notice of every final decision shall be published in the official newspaper of the municipality. Such publication shall be arranged by the Secretary of the Planning Board/Zoning Board of Adjustment, with a reasonable charge to the applicant. Said notice shall be sent to the official newspaper for publication within ten (10) days of the date of any such decision.

§ 40-13. Payment of taxes.

Pursuant to the provisions of N.J.S.A. 40:55D-39 and 40:55D-65, every application for development submitted to the Planning Board/Zoning Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application; or, if it is shown that taxes or assessments are delinquent on said property, any approvals or relief granted by the Board shall be conditioned upon either the prompt payment of such taxes or assessments or the making of adequate provision for the payment thereof in such manner that the municipality will be adequately protected.

ARTICLE IV**Appeals****§ 40-14. Appeals to the Planning Board/Zoning Board of Adjustment.**

An appeal to the Planning Board/Zoning Board of Adjustment may be taken by any interested party affected by decision of the administrative officer of the municipality based on or made in the enforcement of the Zoning Ordinance or Official Map.⁴ Such appeal shall be taken within twenty (20) days by filing a notice of appeal in the manner set forth in Article VI, § 40-31A, and in accordance with the provisions of N.J.S.A. 40:55D-72 of the Municipal Land Use Law of 1975.

§ 40-15. Appeal from decision of Planning Board/Zoning Board of Adjustment.

Any interested party shall appeal a final decision of the Planning Board/Zoning Board of Adjustment by commencing an action in lieu of prerogative writ in the Superior Court of New Jersey pursuant to the applicable rules of court.

ARTICLE V**Miscellaneous Provisions****§ 40-16. Statutory definitions.**

Whenever a term is used in this chapter which is defined in Chapter 291 of the Laws of 1975, such term is intended to have the same meaning set forth in the definition of such term found in said statute, unless a contrary intention is clearly expressed from the context of this chapter.

§ 40-17. Pending applications.

All applications for development filed prior to the effective date of this chapter may be continued, but any appeals arising out of decisions made on any such applications shall be governed by the provisions of Article IV of this chapter.

4. Editor's Note: See Article XVI, Zoning, of this chapter. The Zoning Map is on file in the office of the Borough Planner and in the office of the Borough Clerk.

§ 40-18. Filing of development regulations.

The Borough Clerk shall file with the County Planning Board as soon after passage as possible all development regulations, including this chapter and any amendments or revisions thereto. The Official Zoning Map of this Borough shall be filed by the Borough Clerk with the County Clerk's office as soon after passage as possible.⁵ Copies of all development regulations and revisions or amendments thereto shall be filed and maintained in the office of the Borough Clerk.

§ 40-19. Informal review.

At the request of the developer, the reviewing board shall grant an informal review of a concept plan for development which the developer intends to prepare and submit an application for development. The developer shall not be required to submit any fees for such an informal review at that time. The amount of any fees for such an informal review shall be a credit towards fees for review of the application for development. The developer shall not be bound by any concept plan for which review is requested, and the reviewing board shall not be bound by any such review.

ARTICLE VI**Combined Planning Board/Zoning Board of Adjustment****§ 40-20. Establishment.**

- A. There is hereby established, pursuant to N.J.S.A. 40:55D-25c, in the Borough of Helmetta a combined Planning Board/Zoning Board of Adjustment of nine (9) members, consisting of the following four (4) classes:
- (1) Class I: the Mayor.
 - (2) Class II: one (1) of the officials of the municipality, other than a member of the governing body, to be appointed by the Mayor, provided that if there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board, as required by N.J.S.A. 40:56A-1, shall be deemed to be the Class II Planning Board/Zoning Board of Adjustment member if there is both a member of the Historic Preservation Commission and a member of the Board of Education among the Class IV members or alternate members.
 - (3) Class III: a member of the governing body, to be appointed by it.
 - (4) Class IV: six (6) other citizens of the municipality, to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, position or employment, except that one (1) member may be a member of the Historic Preservation Commission and one (1) may be a member of the Board of Education. A member of the Environmental Commission who is also a member of the Planning Board/Zoning Board of Adjustment, as required by N.J.S.A. 40:56A-1, shall be a Class IV Planning Board/Zoning Board of Adjustment or

5. Editor's Note: The Zoning Map is on file in the office of the Borough Planner and in the office of the Borough Clerk.

alternate member, both a member of the Historic Preservation Commission and a member of the Board of Education, in which case the member of the Environmental Commission shall be deemed to be a Class II member of the Planning Board/Zoning Board of Adjustment. For the purpose of this section, membership on a municipal board or commission where function is advisory in nature and the establishment of which is discretionary and not required by the statute shall not be considered the holding of municipal office.

- B. Pursuant to N.J.S.A. 40:55D-25c, the Class I (Mayor) and Class III (Council person) members shall not participate in the consideration of applications for development which involve relief pursuant to N.J.S.A. 40:55D-70 (use variance).

§ 40-21. Terms of members.

- A. The term of the member composing Class I shall correspond with his official tenure.
- B. The term of the members composing Class II and Class III shall be for one (1) year or terminate at the completion of their respective terms of office, whichever comes first, except for a Class II member who is also a member of the Environmental Commission.
- C. The term of a Class II or a Class IV member who is also a member of the Environmental Commission shall be for three (3) years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever comes first.
- D. The term of a Class IV member who is also a member of the Historic Preservation Commission or the Board of Education shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever comes first.
- E. The terms of all Class IV members first appointed pursuant to this chapter shall be so determined that to the greatest practicable extent the expiration of such terms shall be evenly distributed over the first four (4) years after their appointment as determined by resolution of the governing body; provided, however, that no term of any member shall exceed four (4) years; and further provided that nothing herein shall affect the term of any present member of the Planning Board/Zoning Board of Adjustment, all of whom shall continue in office until the completion of the term for which they were appointed. Thereafter, all Class IV members shall be appointed for terms of four (4) years, except as otherwise herein provided.
- F. All terms shall run from January 1 of the year in which the appointment was made, except as otherwise specified.
- G. No member of the Planning Board/Zoning Board of Adjustment shall be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest.
- H. Any member other than a Class I member, after a public hearing if he requests one, may be removed by the governing body for cause.

§ 40-22. Alternate members.

- A. There shall be two (2) alternate members of the Planning Board who shall be appointed by the approving authority and shall meet the qualifications of Class IV members of the Planning Board/Zoning Board of Adjustment. Said alternates shall be designated at the time of their appointment as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be for two (2) years, except that the terms of the alternate members shall be such that the term of not more than one (1) alternate member shall expire in any one (1) year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years. A vacancy occurring otherwise than by expiration of term shall be filled by the approving authority for the unexpired term only.
- B. No alternate member shall be permitted to act on any matter on which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause.
- C. Alternate members may participate in discussions of the proceedings, but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

§ 40-23. Vacancies.

If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term.

§ 40-24. Organization.

The Planning Board/Zoning Board of Adjustment shall elect a Chairman and Vice Chairman from the members of Class IV and select a Secretary, who may be either a Board member or a municipal employee, and create and fill such other offices as established by ordinance.

§ 40-25. Planning Board/Zoning Board of Adjustment Attorney.

There is hereby created the office of Planning Board/Zoning Board of Adjustment Attorney. The Planning Board/Zoning Board of Adjustment shall annually appoint, fix the compensation of and agree upon the rate of compensation of the Attorney for all legal services, including but not limited to regular and special meetings of the Board, litigation and such other legal services as may be deemed necessary by the Board. The Board Attorney shall be an attorney other than the Municipal Attorney. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

§ 40-26. Expert staff.

The Planning Board/Zoning Board of Adjustment shall also employ or contract for the services of a planning consultant and his staff and other services as it may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

§ 40-27. Rules and regulations.

The Board shall adopt bylaws governing its procedural operation and such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the county and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et. seq.) shall apply.

§ 40-28. Powers.

The Planning Board/Zoning Board of Adjustment shall have such powers as are granted by law:

- A. To make and adopt and from time to time amend a Master Plan for the physical development of the municipality, including in its considerations areas outside its boundaries which in the Board's judgment bear essential relation to the planning of the municipality, in accordance with the provisions of N.J.S.A. 40:55D-1 et seq.
- B. To administer the provisions of the Site Plan Review Ordinance of the municipality in accordance with the provisions of said ordinances and with N.J.S.A. 40:55D-1 et seq.⁶
- C. To participate in the preparation and review of programs or plans required by state or federal law or regulations.
- D. To assemble data on a continuing basis as part of a continuing planning process.
- E. To annually prepare a program of municipal capital improvements and projects projected over a term of six (6) years, and amendments thereto, and recommend the same to the governing body.
- F. To consider and make report to the governing body within thirty-five (35) days after referral as to any proposed development regulations submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26b.
- G. To grant applications for approval of subdivision plans, site plans or conditional uses.
 - (1) To grant variances, pursuant to Subsection 57c of Chapter 291 of the Laws of New Jersey, 1975 (N.J.S.A. 40:55D-70c), from lot area, lot dimensional setback and yard requirements, etc.

6. Editor's Note: The Site Plan is on file in the office of the Borough Clerk.

- (2) To hear and decide requests for interpretation of the map or the Zoning Ordinance or for decisions upon other special questions upon which such Board is authorized by the Zoning Ordinance to pass.⁷
- (3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to Article XVI of this chapter would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the developer of such property, to grant a variance, upon an application or an appeal so as to relieve such difficulties or hardship; where, in an application or appeal relating to a specific piece of property, the purposes of this chapter would be advanced by a deviation from the Zoning Ordinance requirements⁸ and the benefits of the deviation would substantially outweigh any detriment, to grant a variance to allow departure from regulations pursuant to Article XVI of this chapter; provided, however, that no variance from those departures enumerated in Subsection G(1) of this section shall be granted under this subsection; and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use, in conjunction with which the Planning Board has power to review a request for a variance pursuant to Article VI, § 40-28G.
- (4) In particular cases and for special reasons, to grant a variance to allow departure from regulation to permit a use or principal structure in a district restricted against such use or principal structure; an expansion of a nonconforming use; a deviation from a specification or standard pursuant to Section 54 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-67) pertaining solely to a conditional use; an increase in the permitted floor area ratio, as defined in Section 3.1 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-4); an increase in the permitted density, as defined in Section 3.1 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-4), except as applied to the required lot area for a lot or lots for detached one- or two-dwelling-unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision. A variance under this subsection shall be granted only by affirmative vote of at least five (5) members. No variance or other relief may be granted under the provisions of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and the Zoning Ordinance.⁹ Any application under any subsection of this section may be referred to any appropriate person or agency for its report, provided that such reference shall not extend the period of time within which the Planning Board/Zoning Board of Adjustment shall act.

7. Editor's Note: See Article XVI, Zoning, of this chapter. The Zoning Map is on file in the office of the Borough Planner and in the office of the Borough Clerk.

8. Editor's Note: See Article XVI, Zoning, of this chapter.

9. Editor's Note: See Article XVI, Zoning, of this chapter.

- (5) Direction, pursuant to Section 25 (N.J.S.A. 40:55D-34), for issuance of a permit for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved pursuant to Section 23 (N.J.S.A. 40:55D-32).
 - (6) Direction, pursuant to Section 27 (N.J.S.A. 40:55D-36), for issuance of a permit for a building or structure not related to a street.
 - (7) Whenever relief is requested pursuant to this subsection, notice of a hearing on the application for development shall include references to the request for a variance or direction for issuance of a permit, as the case may be.
- H. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the Zoning Ordinance.¹⁰
- I. Advisory duties. To perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other municipal agencies or offices.

§ 40-29. Environmental Commission.

Whenever the Environmental Commission has prepared and submitted to the Planning Board an index of the natural resources of the municipality, the Planning Board/Zoning Board of Adjustment shall make available to the Environmental Commission an informational copy of every application for development to the Planning Board/Zoning Board of Adjustment. Failure of the Planning Board/Zoning Board of Adjustment to make such an informational copy available to the Environmental Commission shall not invalidate any hearing or proceeding.

§ 40-30. Time for approval; expiration of approval.

- A. Minor subdivisions. Minor subdivision and minor site plan approvals shall be granted or denied within forty-five (45) days of the date of submission of a complete application to the Planning Board/Zoning Board of Adjustment or within such further time as may be consented to by the applicant. Approval of a minor subdivision shall expire one hundred ninety (190) days from the date of Planning Board/Zoning Board of Adjustment approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law (N.J.S.A. 46:23-9.9 et seq.) or a deed clearly describing the approved minor subdivision is filed by the developer with the county recording officer, the Municipal Engineer and the Municipal Tax Assessor. Any such plat or deed must be signed by the Chairman and the Secretary of the Planning Board before it will be accepted for filing by the county recording officer.
- B. Preliminary approval of major subdivisions and major site plans. Upon submission of a complete application for a subdivision of ten (10) or fewer lots or a major site plan involving ten (10) acres of land or less and ten (10) dwelling units or less, the Planning

10. Editor's Note: See Article XVI, Zoning, of this chapter.

Board/Zoning Board of Adjustment shall grant or deny preliminary approval within forty-five (45) days of the date of such submission or within such further time as may be consented to by the developer. Upon submission of a complete application for a subdivision of more than ten (10) lots or a major site plan involving more than ten (10) acres or more than ten (10) dwelling units, the Planning Board/Zoning Board of Adjustment shall grant or deny preliminary approval within ninety-five (95) days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the Planning Board/Zoning Board of Adjustment shall be deemed to have granted preliminary approval for either size subdivision or site plan.

- C. Ancillary powers. Whenever the Planning Board/Zoning Board of Adjustment is called upon to exercise its ancillary powers before the granting of a variance as set forth in § 40-28G, the Planning Board/Zoning Board of Adjustment shall grant or deny approval of the application within one hundred twenty (120) days after submission by the developer of a complete application or within such further time as may be consented to by the applicant. Failure of the Planning Board/Zoning Board of Adjustment to act within the period described shall constitute approval of the application, and a certificate of the administrative officer as to the failure of the Planning Board/Zoning Board of Adjustment to act shall be issued on the request of the applicant.
- D. Final approval. Application for final subdivision approval or site plan approval shall be granted or denied within forty-five (45) days of submission of a complete application or within such further time as may be consented to by the applicant. Failure of the Planning Board/Zoning Board of Adjustment to act within the period prescribed shall constitute final approval. Final approval of a major subdivision shall expire ninety-five (95) days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the county recording officer. The Planning Board/Zoning Board of Adjustment may, for good cause shown, extend the period for recording for an additional period not to exceed one hundred ninety (190) days from the date of signing of the plat.

§ 40-31. Appeals and application.

- A. Appeals to the Planning Board/Zoning Board of Adjustment may be taken by any interested party affected by any decision of an administrative officer of the municipality based on or made in the enforcement of the Zoning Ordinance or Official Map.¹¹ Such appeal shall be taken within twenty (20) days by filing a notice of appeal with the officer from whom the appeal is taken specifying the grounds of such appeal. The officer from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed was taken.
- B. A developer may file an application for development with the Planning Board/Zoning Board of Adjustment for action under any of its powers without prior application to an administrative officer.

11. Editor's Note: See Article XVI, Zoning, of this chapter. The Zoning Map is on file in the office of the Borough Planner and in the office of the Borough Clerk.

§ 40-32. Modification on appeal.

The Planning Board/Zoning Board of Adjustment may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all the powers of the administrative officer from whom the appeal is taken.

§ 40-33. Stay of proceedings by appeal.

An appeal to the Planning Board/Zoning Board of Adjustment shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the officer from whose action the appeal is taken certifies to the Planning Board/Zoning Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court upon notice to the officer from whom the appeal is taken and on due cause shown.

§ 40-34. Time for decision.

The Planning Board/Zoning Board of Adjustment shall render its decision not later than one hundred twenty (120) days after the date an appeal is taken from the decision of an administrative office or after the submission of a complete application for development to the Board pursuant to the provisions of N.J.S.A. 40:55D-72b or within such further time as may be consented to by the applicant. Failure of the Board to render a decision within such period shall constitute a decision favorable to the applicant. In the event that the developer submits separate consecutive applications, pursuant to Article VI, § 40-28G(4), the aforesaid time period shall apply to the application for approval of the variance. The period for granting or denying any subsequent approval shall be as otherwise provided in this chapter.

§ 40-35. Expiration of variance.

Any variance from the terms of this chapter hereafter granted by the Planning Board/Zoning Board of Adjustment permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation within one (1) year from the date of entry of the judgment or determination of the Zoning Board of Adjustment, unless the applicable construction permits have been obtained or the permitted use has actually been commenced by that date; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Planning Board/Zoning Board of Adjustment to the governing body or to a court of competent jurisdiction until the termination in any manner of such appeal or proceeding.

**ARTICLE VII
Definitions****§ 40-36. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY BUILDING OR USE — One which:

- A. Is subordinate to and serves an ancillary purpose to a principal building or principal use;
- B. Is subordinate in area, extent or purpose to the principal building or principal use served;
- C. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
- D. Is located on the same zoning lot as the principal building or principal use served.

ADULT BOOKSTORE — An establishment having as a substantial or significant portion of its stock in trade books, magazines and other film, tapes, periodicals or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities.

ALTERATION — As applied to a building or a structure, a change or rearrangement in the structural parts or existing facilities or an enlargement, whether by extension of any side or by increasing in height, or change in use from that of one use classification to another or any conversion of a building or a part thereof or removal of a building from one location or position to another. "Alteration" shall mean to change the appearance of exterior elements of a structure or to change the materials used. A change in the exterior color of a structure shall be considered an "alteration" within the terms of this definition only with respect to properties with historic preservation potential and only if the change in color entails the application of paint to a surface which has not been painted before. Ordinary maintenance shall not be considered an "alteration" within this definition.

AMUSEMENT MACHINE OR DEVICE — Is usually coin operated, requires electric current and is for entertainment purposes only and may include pinball machines and electronic video games, but may also include pool tables. "Amusement machines or amusement devices" shall not be construed to include vending machines for the sale of cigarettes, soda, candy or any other product.

APPLICATION FOR DEVELOPMENT — The application form and all accompanying documents required by this chapter for submission for review of a subdivision plat, site plan, conditional use, zoning variance or direction of the issuance of a permit pursuant to Section 25 (N.J.S.A. 40:55D-34) or Section 27 (N.J.S.A. 40:55D-36) of the Act.

APPROVING AUTHORITY — The Planning Board/Zoning Board of Adjustment when acting pursuant to the authority of the Municipal Land Use Law.¹²

ATTIC — That part of a building which is immediately below and wholly or partly within the roof framing. See the definition of "story, half."

AUTOMOBILE OR GASOLINE SERVICE STATION — Any area of land, including structures thereon, that is used or designed to be used for the retail sale of gasoline or oil or other fuel directly to motor vehicles from a pump located outside a building, including the sale of motor vehicle accessories and facilities for polishing, greasing, washing, spraying, dry cleaning, repairing or otherwise cleaning or servicing such motor vehicles.

12. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

AUTOMOTIVE REPAIR SERVICES AND GARAGES — Establishments primarily engaged in furnishing automotive repair, rental, leasing and/or parking services to the general public.

AUTOMOTIVE SALES — The use of land for the purpose of display and storage of automobiles for sale to the general public. Such use shall not include storage of vehicles for hire, demo or for towed or damaged or abandoned vehicles or auction sales.

BASEMENT — That portion of the building which is partly below and partly above grade and having one-half (1/2) or more of its height above grade, the floor of which is not more than three (3) feet below ground level.

BOARDINGHOUSE — Any building, together with any related structure, accessory building and land appurtenant thereto and any part thereof, which contains two (2) or more units of dwelling space arranged or intended for single room occupancy, exclusive of any such unit occupied by an owner or operator and wherein personal or financial services are provided to the residents, including any residential hotel or congregate living arrangement, but excluding any hotel or motel or established guest house wherein a minimum of eight-five percent (85%) of the units of dwelling space are offered for limited tenure only, any foster home, as defined in Section 1 of P.L. 1962, c. 137 (N.J.S.A. 30:4C-26.1), any community residence for the developmentally disabled, as defined in Section 2 of P.L. 1977, c. 488 (N.J.S.A. 30:11B-2), or any dormitory owned or operated on behalf of any nonprofit institution of primary, secondary or higher education for the use of its students.

BUFFER AREA — An area in which no building, parking area, driveway (except to provide access to property), street, sign (except traffic directional sign) or storage of materials shall be permitted and which shall consist of a dense and continuous landscaped screening area, planted and maintained containing fences, massed trees and shrubs of such species and size as will produce a sufficient density to obscure or confine throughout all seasons automobile headlight glare, site noise, windblown debris and other typical and frequent nuisance problems, as well as to create an aesthetically pleasing and attractive view to mask or obscure the use, function or structure located upon the site.

BUILDING — Any structure built or used for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind which is permanently or temporarily affixed to the land and having a roof supported by columns, piers or walls or having other supports and any unroofed platform, terrace or porch having a vertical face higher than three (3) feet above the level of the ground from which the height of the building is measured.

BUILDING AREA — The total of areas of outside dimensions on a horizontal plane at ground level of the principal building and all accessory buildings, exclusive of unroofed porches, terraces or steps having a vertical face of less than three (3) feet above the level of the ground from which the height of the building is measured.

BUILDING HEIGHT — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plat and ridge of a gable, hip or gambrel roof, including chimneys and other similar features.

BUILDING LINE — A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered or projected section of a building, the vertical plane shall coincide with the most projected surface. All yard requirements are measured to the building line.

BUILDING, PRINCIPAL — A building or use in which is conducted the main or principal use of the lot on which said building is situated.

BULK — The term used to describe the size and mutual relationships of buildings and other structures, and includes:

- A. The size of buildings and other structures.
- B. The shape of buildings and other structures.
- C. The location of exterior walls of buildings and other structures in relation to lot lines, to the center line of streets, to other walls of the same building and to other buildings or structures.
- D. All open spaces relating to a building or structure.

BUSINESS OFFICE — A room or group of rooms used primarily for conducting the affairs or purposes of profit or improvement of an occupation, nonprofessional, service or nontradesman activity on a fee or contract basis.

CALIPER — The diameter of a tree trunk measured in inches and measured twenty-four (24) inches above ground level for all trees.

CARTWAY — The section of a street, road or highway or right-of-way located between the curblines which is normally used by vehicular-type traffic, commonly known as the paved areas of the street.

CELLAR — That portion of a building which is partly or completely below grade and having at least one-half (1/2) its height below grade.

CERTIFICATE OF OCCUPANCY — A certificate issued by the Building and/or Zoning Inspector upon completion of the construction of a new building or upon a change in the use of the occupancy of a building, which certifies that all requirements of this chapter or such adjustments thereof which have been granted and all other applicable requirements have been complied with.

CHANGE OF USE — An alteration in a building heretofore existing to a new use group which imposes other requirements of this chapter or other special provisions of law governing building construction, equipment or means of egress as established within the Uniform Construction Code of the municipality.¹³

CHILD-CARE CENTER — A private establishment enrolling four (4) or more children, where tuition, fees or other forms of compensation for the care of children is charged, whether

13. Editor's Note: See Ch. 29A, Construction Codes, Uniform.

or not licensed or approved to operate as a child-care center by the New Jersey Division of Youth and Family Services (NJDFYS).

CHURCH — A structure, building or group of buildings, including customary accessory structures such as auditoriums, used, designed or intended for public worship. The word "church" shall include any place where persons regularly assemble for worship, i.e., chapels, churches, congregations, cathedrals, synagogues, temples and other places where regular religious services are conducted, as well as parish houses, convents, religious school facilities and structures and other accessory uses, including uses and structures for religious and sectarian education.

CLUSTER DEVELOPMENT — See "residential cluster."

COMMON OPEN SPACE — An open space area exclusive of required setback areas within or related to a site designated as a development and designed and intended for the use or enjoyment of residents and owners of the development. "Common open space" may contain such complementary structures and improvements as are necessary and appropriate for the use and enjoyment of residents and owners of the development.

COMPLETE APPLICATION — An application form completed as specified by ordinance and the rules and regulations of the reviewing board and all accompanying documents required by ordinance for approval of the application for development. An application shall be certified as complete upon meeting all requirements specified in this chapter and in the rules and regulations of the reviewing board and shall be deemed complete as of the day it is so certified for purpose of the commencement of the time period for action by the Planning Board/Zoning Board of Adjustment.

CONDITIONAL USE — A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in the Zoning Ordinance¹⁴ and upon the issuance of an authorization therefore by the Planning Board or, where required by N.J.S.A. 40:55D-70, by the Zoning Board of Adjustment.

CONDOMINIUM — Ownership of real property combining ownership in fee simple of a dwelling unit and undivided ownership in common with other purchasers of the common elements in the structure and including the land and its appurtenances.

CONSTRUCTION OFFICIAL — That person designated by salary guide title in the municipality pursuant to the Uniform Construction Code of the State of New Jersey.

CONVENIENCE RETAIL MINI-MART — A retail facility usually, though not restricted to, a floor area of three thousand (3,000) to five thousand (5,000) square feet, with parking provided on-site, providing packaged groceries, delicatessen services and token selections of all types of sundries, operating from early morning to late evening.

CONVERSION — A change in the use of land or structure.

14. Editor's Note: See Article XVI, Zoning, of this chapter.

CORNER LOT — A lot at the junction of and fronting on two (2) or more intersecting streets. The mandatory front yard setback requirements shall be provided for all street frontage of a corner lot.

CURB LEVEL — The permanently established grade of the curb top in front of a lot.

DAYS — Calendar days.

DEMOLITION — To partially or completely take down a structure.

DENSITY, GROSS — The number of dwelling units provided by the total land area of the lot or lots comprising the tract of land for which the development application is made.

DENSITY, NET — The number of dwelling units which may be developed or that portion of the tract exclusive of public street right-of-way, floodway, delineated wetlands, conservation/preservation areas, open space areas, streams or water bodies and existing public utility easements and such other areas which may not be developed.

DEVELOPER — The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or purchase or lease or other person having an enforceable proprietary interest in such land.

DEVELOPMENT — The division of a parcel of land into two (2) or more parcels or the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or any mining, excavation or landfill and/or any use or change in the use of any building or other structure or land or extension of use of land for which permission may be required, pursuant to the New Jersey Municipal Land Use Law.¹⁵

DISCOTHEQUE — An establishment where patrons dance to recorded music and may also feature go-go dancers.

DRAINAGE — The removal of surface water or groundwater from land by drains, grading or other means, and includes control to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

DRIVE-IN BANK — A building or portion thereof which encourages or permits customers to conduct personal financial transactions while remaining in their motor vehicles.

DRIVE-IN RESTAURANT — A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where a portion of the consumption takes place or is designed to take place outside the confines of the building, often in a motor vehicle on the site, or is designed for the transferal of food and/or beverages without leaving the vehicle.

DWELLING — A building designed or used exclusively as the living quarters for one (1) or more families.

¹⁵ Editor's Note: See N.J.S.A. 40:55D-1 et seq.

DWELLING, ATTACHED — One (1) dwelling unit in a line of two (2) or more structurally joined dwelling units, with each dwelling unit having individual access, with open space in front and rear.

DWELLING, DETACHED — A building surrounded by open space on the same zoning lot and being the only principal building occupying that zoning lot.

DWELLING, EFFICIENCY — A dwelling unit consisting of not more than one (1) habitable room, together with kitchen or kitchenette and sanitary facilities.

DWELLING, GARDEN FLAT — A multifamily structure, access to the dwelling units of which is from a common hall, although individual entrances can be provided. Dwelling units may be located on top of one another and/or back-to-back.

DWELLING, HIGH-RISE — Any building with a common passageway, consisting of more than five (5) stories or more than sixty (60) feet in height, in which building there are one (1) or more suites of rooms on each floor.

DWELLING, MID-RISE — A medium or mid-rise building is any building with a common passageway which is three (3) to five (5) stories or thirty-five (35) to sixty (60) feet in height, in which building there are one (1) or more suites of rooms on each floor.

DWELLING, MULTIFAMILY — A building designed for or occupied exclusively by three (3) or more families or households living independently of each other.

DWELLING, MULTIPLEX — A multifamily structure containing four (4) to eight (8) units having their own individual utilities and services, with direct entrance to the outside, in which each unit has two (2) open space exposures and shares one (1) or two (2) walls with adjoining units.

DWELLING, PATIO HOUSE (also known as "terrace home") — A variation of the traditional one-story ranch house, designed to fit on a narrow lot, with an angled or altered architectural form, with the elimination of side and/or front yards, with private spaces fenced, usually on a square or reduced size lot, with parking usually occurring within the unit in a garage.

DWELLING, SINGLE-FAMILY — A dwelling consisting of a building containing one (1) dwelling unit only and not occupied or designed for occupancy by more than one (1) family.

DWELLING, TOWNHOUSE — One (1) of a series of contiguous single-family dwelling units designed for conveyance either as a condominium or as a planned development, in which each unit has its own front and rear access to the outside, and each dwelling unit is separated from another by one (1) or more common-side fire-resistant walls, and wherein each dwelling unit shall have separate individual utility systems and with private rear yard areas.

DWELLING, TWO-FAMILY — A building for or occupied exclusively by two (2) families or households living independently of each other.

EASEMENT — A right-of-way granted but not dedicated for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

ENVIRONMENTALLY SENSITIVE AREAS — Areas which include, but are not limited to, stream corridors and floodplains, streams, bodies of water, wetlands [as defined by the New Jersey Department of Environmental Protection (NJDEP)], slopes greater than ten percent (10%), shallow depth to bedrock [less than two (2) feet], highly acid or erodible soils [as defined by the Soil Conservation Service (SCS)], mature stands of trees, aquifer recharge areas, aquifer discharge areas, unique natural features and wildlife habitats.

ERECT — To build, construct, attach, alter, relocate or affix, and includes the painting of signs or displays on the exterior surface of a building.

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice or gravity, whether naturally or humanly induced.

EXTENDED-CARE FACILITY — A long-term care facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged or a governmental medical institution.

FACADE — An exterior wall of a building exposed to public view.

FAMILY — An individual or married couple and the children thereof, with other persons related directly to the individual or married couple related by blood or marriage, living as a single nonprofit housekeeping unit.

FENCE — An artificially constructed barrier erected for the enclosure of yard areas.

FINAL APPROVAL — The official action of the respective board taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion, or approval conditioned upon the posting of such guaranties.

FINAL PLAT — The final map of all or a portion of the subdivision which is presented to the respective board for final approval in accordance with these regulations and which, if approved, shall be filed with the proper county recording office.

FINANCIAL SERVICES — Any assistance permitted or required by the state to be furnished by an owner or operator to a resident in the management of personal financial matters, including but not limited to the cashing of checks, holding of personal funds for safekeeping in any manner or assistance in the purchase of goods or services with a resident's personal funds.

FLAG LOT — A lot, the majority of whose width is not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way.

FLOOR AREA, GROSS — The sum of the gross horizontal areas of all floors of a building or buildings measured from the exterior faces of exterior walls or from the center line of walls separating two (2) buildings.

A. The floor area of a building or buildings shall include, but not be limited to, the following:

- (1) Floor space used for heating, ventilating and air-conditioning equipment with structural headroom of seven (7) feet six (6) inches or more.
- (2) Attic space and basement space, where a floor has actually been laid, providing structural headroom of seven (7) feet six (6) inches or more.
- (3) Interior balconies and mezzanines.
- (4) Enclosed porches.

B. However, the floor area of a building shall not include:

- (1) Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.
- (2) Elevator shafts and stairwells, accessory water tanks and cooling towers.
- (3) Floor space used for heating, ventilating and air-conditioning equipment with structural headroom of less than seven (7) feet six (6) inches.
- (4) Attic space, whether or not a floor has actually been laid, providing structural headroom of less than seven (7) feet six (6) inches.
- (5) Uncovered steps.
- (6) Terraces, breezeways and open porches.
- (7) Accessory off-street parking spaces.

FLOOR AREA, NET — The total of all floor areas of a building, excluding heating, ventilating and air-conditioning (HVAC) equipment rooms, interior vehicular parking or loading and all floors below the first or ground floor, except when used or intended to be used for any human habitation or any service to the public.

FLOOR AREA RATIO — The total of all floor areas of the building or buildings of that zoning lot divided by the area of that zoning lot, all in square feet.

FRATERNAL ORGANIZATION — A group of people formally organized for a common interest, usually cultural, service, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

GARAGE, PRIVATE — A building or space used as an accessory to the main building which provides for the storage of motor vehicles and in which no occupation, business or service is conducted.

GARAGE, PUBLIC — A building or part thereof, other than a private garage, used for the storage, care or repair of motor vehicles for profit, including but not limited to the sale of fuels or accessories or the hiring of the same.

GARDEN APARTMENT — A building or series of buildings under single ownership, with common yards, open spaces, recreation area, garages and parking areas, not more than three (3) stories in height, containing two (2) or more suites of rooms on each floor equipped for

separate housekeeping and with a maximum of eight (8) dwelling units per acre, a maximum plot coverage or site coverage of primary and accessory uses, including parking, of sixty percent (60%) and a maximum height of building of thirty-five (35) feet. The garden apartment development shall be on a landscaped site designed and erected as an integrated development with singleness of use and operation and which site contains such common facilities as pedestrian walks, open spaces and developed recreation areas in accord with minimum standards stated in this chapter, off-street parking and/or garage facilities consistent with chapter requirements, a complete utility system and free two-way access provided by two (2) or more connections to peripheral public roads.

GRADE, FINISHED — The completed elevation of surfaces of lawns, walks and pavement as shown on official plans or designs.

HABITABLE FLOOR AREA — The area of all floors of a building measured at the exterior of the walls thereof, excluding cellars, closets, porches, patios, terraces, carports, breezeways, verandas and garages and any other unheated area.

HEALTH CARE FACILITY — A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including but not limited to a general hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or other home for sheltered care and bioanalytical laboratory or central services facility serving one (1) or more such institutions, but excluding institutions that provide healing solely by prayer.

HISTORIC PRESERVATION — The process of identifying, evaluating, managing, conserving, maintaining and, when necessary, rehabilitating, stabilizing, restoring and reconstructing historic properties so that they are protected for the use of future generations.

HOME OCCUPATION — Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling.

HOMEOWNERS' ASSOCIATION — A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

HOTEL or MOTEL — An establishment offering to the general public transient lodging accommodations, including one (1) bathroom to each room, but not including cooking facilities, and which may provide additional services, such as restaurants, meeting rooms and recreational facilities.

HOUSEKEEPING UNIT — One (1) or more persons who live together in one (1) dwelling unit on a nonseasonal basis and who share living, sleeping, cooking and sanitary facilities on a nonprofit basis and who intend to be considered and who in fact consider themselves as a bona fide family. Nothing herein shall permit any housekeeping unit to exceed or violate any lawful limits on the number of persons permitted to reside in a particular dwelling.

IMPERVIOUS LOT COVERAGE — A ratio between the area which has been improved and overlain by structures and/or materials which results in the reduction and/or prevention of absorption of water into the ground and the lot area, expressed in terms of a percentage of the total area.

INTERESTED PARTY — In the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire or enjoy property is or may be affected by any action taken under this chapter or whose rights to use, acquire or enjoy property under this chapter or under any other law of this state or of the United States have been denied, violated or infringed by an action or a failure to act under this chapter.

JUNKYARD — An area or structure used for the collecting, storage, buying, trading or abandonment of any refuse and/or discarded material or the auctioning, dismantling, demolition, salvaging, cannibalizing, abandonment or processing of structures, automobiles or other vehicle equipment and machinery or parts thereof, with the deposit of domestic, commercial, industrial or sanitary waste or garbage excluded.

LABORATORY — A structure or rooms equipped for conducting scientific experiments, analysis, examinations, research, testing and/or other experimental technical work.

LOT — A designated parcel, tract or area of land, including the total area within the lot lines of a tract of land, excluding any street rights-of-way.

LOT AREA — The total horizontal area of a parcel of land which is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a public right-of-way shall not be included in calculating "lot area."

LOT COVERAGE — A ratio between the lot area and building area, expressed in terms of a percentage of the total lot area.

LOT DEPTH — The mean distance between its mean front line and its mean back lot line, measured at a right angle to the front property line.

LOT FRONTAGE — The portion nearest the street or coexistent with a street right-of-way line and being the portion of the lot to be used as the front yard requirements on corner lots and through lots; all sides of a lot adjacent to streets shall be considered frontage, and yard setback requirements shall be provided as indicated under the definition of "yards" in this section. In odd-shaped or triangular-shaped lots or lots fronting upon a cul-de-sac, the length of frontage may be considered to be two-thirds (2/3) of the required lot width provided at the street right-of-way line.

LOT LINE, FRONT — Any lot line sharing commonality and coexistent with a street right-of-way line. All lot lines coincident with street right-of-way lines shall be considered "front lot lines."

LOT LINE, REAR — Any lot line, other than a street line, which is parallel to the front line or within forty-five degrees (45°) of being parallel to the front lot line. A "rear lot line" shall also include any lot lines on an offset to a through lot which constitutes the rear lot line of an adjacent zoning lot.

LOT LINE, SIDE — Any lot line which is not a front lot line or a rear lot line.

LOT WIDTH — The horizontal distance between straight lines connecting front and rear lot lines at each side of the lot, measured parallel or nearly so to the front and rear lines, so determined and across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street right-of-way line) shall not be less than two-thirds (2/3) of the required lot width in the case of lots on the turning circle of cul-de-sac or odd-shaped lots.

MAINTENANCE GUARANTY — Any security, other than cash, which may be deemed acceptable by the Borough for the maintenance of any improvements required by this chapter.

MAJOR SITE PLAN — All site plans not defined as minor site plans.

MAJOR SUBDIVISION — All subdivisions not classified as minor subdivisions.

MASTER PLAN — A composite of one (1) or more written or graphic proposals for the development of the municipality as set forth in and adopted pursuant to Section 19 of the Municipal Land Use Law.¹⁶

MEDICAL BUILDING — A building that contains establishments dispensing health services.

MINI-WAREHOUSE — A building or group of buildings having controlled access and security within a compound containing various sizes of structures which are compartmentalized and/or controlled access stalls and/or locker areas for lease to or rent to individuals for storage of goods within a building or buildings.

MINOR SITE PLAN — A development plan of one (1) or more lots which proposes development of a new building or a building alteration and/or less than five (5) parking spaces and/or less than one thousand (1,000) additional square feet of floor area and/or a total of not more than ten percent (10%) lot coverage, whichever is less, and which does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to N.J.S.A. 40:55D-42.

MINOR SUBDIVISION — A subdivision classified as a "minor subdivision" shall meet the following requirements:

- A. It shall contain not more than three (3) lots.
- B. It shall have frontage on an existing street.
- C. It shall not involve any new street or road or the extension of municipal facilities.
- D. It shall not adversely affect the development of the remainder of the parcel or adjoining property.

NATURAL RESOURCE INVENTORY — A complete physiographic portrait of a municipality, including its geography, topography, hydrology, soil and vegetation, as well as man-made factors which influence the environment.

¹⁶ Editor's Note: See N.J.S.A. 40:55D-28.

NONCONFORMING LOT — A lot or parcel which does not conform to the minimum standard for the zone in which it is located or the use to which it is being put.

NONCONFORMING STRUCTURE — A structure, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

NONCONFORMING USE — A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which exact same use fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

NURSING, REST OR CONVALESCENT HOME — An extended- or intermediate-care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

OCCUPANCY — The specific purpose for which land or a building is used, designed or maintained.

OFF-SITE — Located outside the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject of a development application or contiguous portion of a street or right-of-way.

OFF-STREET PARKING SPACE — An off-street parking area for vehicles, including the storage area of each vehicle and necessary maneuvering area of each vehicle. Space for maneuvering incidental to parking or unloading shall not encroach upon any public way. Every off-street parking facility shall be accessible from a public way.

OFF-TRACT — Not located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

ON-SITE — Located on the lot in question.

ON-TRACT — Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

OPEN SPACE — Any parcel or area of land or water not containing any building, unimproved or improved, and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

OPEN SPACE, COMMON — An area of land owned by an owners' association, but shall not include parking lots, private streets, maintenance buildings and the area within fifteen (15) feet of principal structures to which the common open space area is appurtenant.

OPEN SPACE, PUBLIC — An area of land other than a public street owned by a public agency and maintained by it for the use and enjoyment of the general public.

PARKING AREA — Any public or private land area designed and used for parking motor vehicles, including parking lots, garages, private driveways and legally designated areas of public streets.

PARKING SPACE — An off-street space for the parking of a motor vehicle, with minimum dimensions of nine by eighteen (9 x 18) feet.

PERFORMANCE GUARANTY — Any security which may be accepted by the municipality, including cash, provided that the municipality shall not require more than ten percent (10%) of the total performance guaranty in cash.

PERSONAL SERVICES — Establishments primarily engaged in providing services involving the care of a person or his or her apparel, including but not limited to laundry, dry-cleaning and garment services, coin-operated laundries, photographic studios, beauty shops, barber shops, shoe repair and exercise clubs, provided that, except as permitted by any licensing act of the State of New Jersey, no service shall involve contact with any unclothed portion of a person other than his or her scalp, face, arms, legs below the knees, feet or neck.

PHILANTHROPIC USES — Those active services or functions exclusively devoted to the active effort to promote human welfare, maintained or supported by act or gift or organized distribution of funds.

PLANNED RESIDENTIAL DEVELOPMENT — An area of a minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity and containing one (1) or more residential clusters; appropriate public or quasi-public uses may be included if such uses are primarily for the benefit of the residential development.

PRELIMINARY APPROVAL — The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the relevant board.

PROFESSIONAL OFFICE — The office or studio of a member of a recognized profession, including the offices of physicians, dentists, ministers, lawyers, architects, professional engineers and such similar professional nontrade occupations. The issuance of a state or local license for regulations of any gainful occupation is not to be deemed solely indicative of professional standing.

PROPERTY LINE — A lot or parcel line that defines the limits of ownership.

PUBLIC AREAS — Includes:

- A. Public parks, playgrounds, trails, paths and other recreational areas.
- B. Other public open spaces.
- C. Scenic and historic sites.
- D. Sites for school and other public buildings and structures, including the uses of all municipal, county, state, regional and federal government agencies.
- E. Public rights-of-way, cartways and easements.

QUASI-PUBLIC — Facilities utilized by members of nonprofit organizations and which are open to the general public, such as but not limited to religious organizations, veterans' organizations, fraternal organizations, and other institutions or organizations of similar type but not necessarily belonging to the aforementioned categories.

RECREATION, ACTIVE — Leisure-time activities, usually of a more formal nature and performed with others, often requiring equipment and taking place at prescribed places, sites or fields.

RECREATION, PASSIVE — Any leisure-time activity not considered active.

REMOVAL — To partially or completely move a structure substantially intact.

RESIDENTIAL CLUSTER — An area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appointment.

RESIDENTIAL GROSS DENSITY — The number of dwelling units per gross acre of residential land area, including streets, easements and open space portions of a development.

RESTAURANT — An establishment regularly and principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of foods for its customers and in which no other business, except such as is incidental to such establishment, is conducted, wherein the food and drink are consumed within the principal building. Such uses shall not be interpreted to include and are hereby defined to exclude drive-in restaurants or other similar uses where customers and patrons are served food, soft drinks or ice cream for their immediate consumption outside the confines of the building or structure in which the business is conducted. Restaurant establishments shall provide for traditional table services for made-to-order food.

RESTAURANT, FAST-FOOD — An establishment which has one (1) or more of the following characteristics:

- A. Serves primarily ready-to-eat foods, frozen desserts or beverages in edible or paper, plastic or disposable containers.
- B. Usually serves foods over a general service counter or take-out counter that customers carry to the restaurant's seating facilities, to motor vehicles or off-premises.
- C. Devotes forty-five percent (45%) or more of the establishment's gross floor area to food preparation, storage or related activities.
- D. Serves food through a drive-in or drive-through window.

RETAIL BUSINESS — An establishment that sells goods, merchandise or products or performs services incidentally related to the sale of such goods, merchandise or products to general public customers for personal or household consumption.

RETAIL SERVICE — Establishments providing services or facilities, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.

RIGHT-OF-WAY — The horizontal and vertical area delimited by a line coexistent with the property line of other lands or rights-of-way. Such lands may be of public holding for road or highway or public utility use or private holding for the location of private, commercial, collective or distributive provision of utilities.

ROOMING HOUSE — Any residence, building or any part thereof containing one (1) or more rooming units in which space is let by the owner or operator to more than two (2) persons who are not members of the family.

ROOMING UNIT — Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.

SCHOOL — A public, parochial or private nursery, day-care, elementary, secondary, college or university educational institution offering a diploma or degree subject to regulations prescribed by the State of New Jersey, Department of Education, supported in whole or part by public funds and/or nonprofit quasi-public agencies.

SETBACK — The minimum horizontal distance between the street, rear or side lines of the lot and the front, rear or side setback line. When two (2) or more lots under one (1) ownership are used, the exterior property lines so grouped shall be used in determining setbacks. The setback distance shall be equal to the required yard depth.

SETBACK LINE — A line within any lot parallel to any street or property line between which line and the street or property line no building or portion thereof may be erected except as otherwise provided for in this chapter.

SIGHT TRIANGLE — A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow between a height of thirty (30) inches and fifteen (15) feet above the ground elevation in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGN — Any structure or part thereof or any device attached to a structure which shall display or include any letter, work, model, banner, pennant, flag, insignia, device or representation used as or which is in the nature of an announcement, direction or advertisement. A "sign" includes any billboard, but does not include the flag, pennant or insignia of any nation, group of nations or of any state, city or other political unit or any temporary political, educational, charitable, philanthropic, civic, religious or like campaign, drive, movement or event sign.

SIGN, ADVERTISING AND/OR COMMERCIAL — Any sign which is owned and operated by any person, firm or corporation engaged in the business of outdoor advertising for direct profit gained from the rental of such signs, or any sign advertising a commodity not sold or produced on the premises. This shall include billboards and off-premises signs indicating the direction to a particular place.

SIGN, AREA OF — The area included within the frame or edge of the sign. Where the sign has no such frame or edge, the area shall be defined by an enclosed four-sided (straight sides) geometric shape which most closely outlines the sign. In the case of lettering attached to building facades, the "sign area" shall be the product of the maximum horizontal dimension of

all lettering and symbols multiplied by the vertical dimension of all lettering and symbols which form the sign.

SIGN, BILLBOARD — A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

SIGN, DIRECTIONAL — Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as but not limited to "one-way," "entrance" and "exit," etc.

SIGN, FREESTANDING — Any nonmovable sign not affixed to a building.

SIGN, GROUND — Any sign supported by uprights or braces and not attached to any building.

SIGN, ILLUMINATED — A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

SIGN, NAMEPLATE — A sign located on the premises giving the name or address, or both, of the owner or occupant of a building or premises.

SIGN, POLITICAL — A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

SIGN, PORTABLE — A sign that is not permanent, affixed to a building, structure or the ground.

SIGN, PROJECTING — A sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from such building.

SIGN, REAL ESTATE — A sign pertaining to the sale or lease of the premises or a portion of the premises on which the sign is located.

SIGN, ROOF — A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

SIGN, WINDOW — A sign that is applied or attached to the exterior or interior of a window or located in such a manner within a building that it can be seen from the exterior of the structure through a window.

SITE PLAN — A development plan of one (1) or more lots on which is shown details required pursuant to this chapter.

SKETCH PLAT — A map of a subdivision of sufficient accuracy to be used for the purpose of discussion and classification of the application.

STORY — That part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished ceiling or roof above it. A split-level story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of

the finished floor next below it, except a cellar. Any floor under a sloping roof at the top of a building which is more than two (2) feet below the top plate shall be counted as a "story."

STORY, HALF — That portion of a building under a gable, hip or gambrel roof, the wall plates of which at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such half story. A cellar shall also be included as a "half story."

STREET — Any road, avenue, street, lane, boulevard, alley or other way set aside or commonly used for access to abutting property, improved or unimproved. Such common ways shall have been duly inspected, approved, accepted and recorded and dedicated to the public use.

STREET LINE — That line determining the limit of the highway rights of the public, either existing or contemplated. Where a definite right-of-way width has not been established, the street lines shall be assumed to be at a point twenty-five (25) feet from the center line of the existing pavement.

STRUCTURE — A combination of materials to form a construction that is safe and stable, and includes, among other affixed things, a stadium, platform, radio towers, buildings, billboards, sheds, storage bins, swimming pools and fences which are more than fifty percent (50%) solid.

SWIMMING POOL, PRIVATE — Any body of water, tank or receptacle for water, whether artificially or semi-artificially constructed or portable, having a depth at any point greater than eighteen (18) inches or having over one hundred twenty (120) square feet of area or larger than twelve (12) feet in diameter, used or intended to be used for swimming or bathing solely by the owner, his family and guests of the household, and constructed, installed, established or maintained inside or outside any building in or above the ground upon any premises as an accessory use to the residence.

TAVERN — A place where the principal use or function is the selling of alcoholic beverages and incident thereby may be retail sale or consumption of food as a permitted use, consistent with N.J.S.A. 33:1-12 et. seq.

TEMPORARY STRUCTURE — A structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

TEMPORARY USE — A use established for a fixed period of time with the intent to discontinue use upon the expiration of the time period.

USE — The specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained.

VARIANCE — Permission to depart from the literal requirements of a zoning ordinance.

WALL —

- A. The vertical exterior surface of a building.
- B. Vertical interior surfaces which divide a building's space into rooms.

WAREHOUSE — A building used primarily for the storage of goods and materials.

YARD, FRONT — An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of that lot. The front setback line shall be synonymous with the front yard line. A corner lot shall provide the required front yard setback requirements for all front yard areas contiguous with a street line.

YARD, REAR — The open space extending across the full width of the lot and lying between the rear line of the lot and the nearest line of any building. The depth of a rear yard shall be measured at right angles to the rear wall of the building to the nearest point of the rear lot line.

YARD, SIDE — An open, unoccupied space between the side line of the lot and the nearest line of a building and extending from the front yard to the rear yard or, in the absence of either such yards, to the street or rear lot lines, as the case may be. The width of a side yard will be measured at right angles to the side line of the lot.

ZONING OFFICER — The person within the administrative offices of the municipality, so designated by job title classification.

ZONING PERMIT — A document signed by the Zoning Officer:

- A. Which is required by this chapter as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building; and
- B. Which acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance or variance therefrom duly authorized by the municipal approving agency.¹⁷

ARTICLE VIII Permits and Approvals

§ 40-37. Conformity required; tax certification.

- A. No zoning permit, building permit or certificate of occupancy shall be issued for any parcel of land or structure which was sold or on which improvements were undertaken in violation of the provisions of this chapter or for use of a lot which was created by subdivision after the effective date of and not in conformity with the provisions of this chapter. No site improvements, such as but not limited to excavation or construction of public or private improvements, shall be commenced except in conformance with this chapter and in accordance with plat approvals and the issuance of required permits.

17. Editor's Note: See Article XVI, Zoning, of this chapter.

- B. No application shall be accepted by the Construction Official, the Zoning Officer and/or the Secretary of the approving board unless the applicant provides certification from the Tax Collector that all taxes have been paid to date.

§ 40-38. Issuance of zoning permit.

A zoning permit shall be issued by the Zoning Officer before the issuance of either a certificate of occupancy to a new occupant of an existing building or portion of an existing building or a building permit.

§ 40-39. Prerequisites for certificate of occupancy.

It shall be unlawful to use or permit the use of any building or part thereof hereafter created, changed, converted, altered or enlarged, wholly or in part, until a certificate of occupancy shall have been issued by the Building Inspector, and no certificate shall be issued unless the land, building and use thereof comply with this chapter, all matters incorporated on the approved subdivision or site plan have been completed and certified by the Municipal Engineer and the Building and Health Codes are complied with.¹⁸

§ 40-40. Approval of subdivisions.

Prior to the subdivision or resubdivision of land within the municipality and as a condition of the filing of subdivision plats with the county recording officer, a resolution of approval of the reviewing board is required, as is the approval of site plans by resolution of approval of the reviewing board, as a condition for the issuance of a permit for any development, except that subdivision or individual lot application for detached one- or two-dwelling-unit buildings shall be exempt from such site plan review and approval.

ARTICLE IX
Schedule of Fees

§ 40-41. Payment of fees.

The applicant shall, at the time of filing a submission, pay the following nonrefundable fee to the Borough of Helmetta by certified check or bank money order. Proposals involving more than one (1) use shall pay a fee equal to the sum of the fee for each element. No application for development shall be deemed complete unless and until accompanied by a check payable to the Borough of Helmetta, New Jersey, for the application fees described below.

§ 40-42. Subdivisions.

- A. Sketch plat fees shall be as follows:

¹⁸ Editor's Note: See Ch. 29A, Construction Codes, Uniform, and Part III, Board of Health Legislation, respectively.

- (1) The sketch plat for minor subdivision (3) or fewer lots - \$200.00.
- (2) The sketch plat for major subdivision - \$500.00.
- (3) The fee for any submission of any revised sketch plat which has not received approval – one third (1/3) of the original submission fee.

B. Preliminary major subdivision fees shall be as follows:

- (1) The fee for subdivision shall be \$100.00 plus \$20.00 per lot.
- (2) The extension of preliminary plat approval as set forth and defined in N.J.S.A. 40:55D-52 shall be one-fourth (1/4) of the original application fee.
- (3) The fee for any re-submission of any revised preliminary plat which may or may not have received approval shall be one-fourth (1/4) of the original submission fee.

C. Final major subdivision fees shall be as follows:

- (1) The fee for final plat subdivision shall be \$100.0 plus \$15.00 per lot.
- (2) The fee for extension of final approved plat for purpose of recording plat shall be one-fourth (1/4) of the preliminary subdivision fee.
- (3) The fee for any re-submission of any revised plat which may or may not have received approval shall be one-third (1/3) of the final subdivision fee.

§ 40-43. Site plans.

A. Minor site plan fees shall be as follows:

1. For non-residential uses - \$250.00 plus \$10.00 per one thousand (1000) square feet of gross floor area.
2. For residential fees - \$100.00 plus \$10.00 per unit.
3. The fee for any re-submission of any revised plat which may or may not have received approval shall be one-fourth (1/4) of the original submission fee.

B. Major preliminary and final site plan fees shall be as follows:

1. Non-residential preliminary site plan shall be \$50.00 for less than one (1) Acre, \$250.00 plus \$100.00 per acre for one to ten (1 to 10) acres and \$250.00 plus \$500.00 per acre for an area greater than ten (10) acres.
2. Residential preliminary site plan fee shall be \$500.00 for less than fifty (50) units or \$10.00 per unit for greater than fifty (50) units.

3. Final site plan fee shall be the same as the original application fee paid at preliminary application.
4. The fee for any submission or revised site plan which may or may not have received approval shall be one-fourth (1/4) of the original application fee.
5. The extension of site plan approval as set forth and defined in N.J.S.A. 40:55D-52 shall be one-fourth (1/4) of the original application fee.

§ 40-44. Variances and appeals.

- A. The fee to hear and decide appeals (N.J.S.A. 40:55D-70a) shall be \$50.00.
- B. The fee for interpretation of zoning regulations of zoning maps (N.J.S.A. 40:55D-70b) shall be \$50.00.
- C. The fee for bulk variances (N.J.S.A. 40:55D-70c) shall be \$50.00.
- D. The fee for use variances (N.J.S.A. 40:55D-70d) shall be \$250.00
- E. The fee for submission of any revised variance application shall be one-fourth (1/4) of the original variance application fee.

Chapter 40-45 Conditional Uses

The fee for a conditional use application shall be based on the sum of fees for subdivision and site plan as applicable.

Chapter 40-46 Other fees

- A. The fee for building permit in conflict with the official map of the Borough of Helmetta or building permit not related to a street shall be \$25.00.
- B. The fee for a zoning permit shall be \$25.00.
- C. Special meetings scheduled only upon request of the applicant and it agreed to by the Board at its discretion, shall be \$500.00.

§ 40-47. Meetings with Borough consultants. [Amended 5-28-1997 by Ord. No. 8-1997]

Should an applicant or developer desire a meeting or meetings with the Borough Engineer, Borough Planner, Borough Auditor, Borough Attorney and/or any other Borough professionals or consultants prior to or following submission of an informal or formal application or for the purpose of negotiation and implementation of a required developer's agreement, such meeting may be authorized by the approving authority or governing body at the request of the applicant or developer and at the convenience of such Borough professionals or consultants and the applicant or developer. The request for any such meeting with Borough professionals or consultants shall include a statement and certification that the applicant agrees to reimburse the Borough for all reviews, consultations and negotiations by such Borough professionals or consultants and shall be accompanied by a check payable to the Borough in an amount directed by the approving authority or governing body, but not less than \$500, to be deposited with the Borough Treasurer in an interest-bearing account. The Borough shall charge the applicant against this account for the professionals' and/or consultants' time on a periodic basis and/or at the conclusion of the meetings and/or negotiations at the current rate charged by such professionals and/or consultants in accordance with the schedule of fees on file in the office of the Borough Clerk. Any unused deposit shall be returned to the applicant/developer. If the fees charged from time to time exceed the initial deposit, additional sums shall be deposited by the applicant or developer with the Borough Treasurer to cover such anticipated fees or costs as may be requested.

§ 40-48. Outside professional services.

When reviewing variance requests or applications for development and where due to traffic, environmental or other considerations, the Board may, in its discretion, determine a need for the services of independent professional assistance. The Board may at any time during the review of an application require the deposit of up to \$5,000 in a case where one independent professional may be required and up to \$7,500 in a case where two or more independent professionals may be required. Any unused deposit shall be returned to the applicant at the conclusion of the proceedings.

§ 40-49. Stenographic record.

- A. If the Board, in its discretion, determines that an application, because of its complexity or expected length, requires a certified stenographic reporter, it shall notify that applicant, who shall arrange for the reporter's attendance.
- B. Either an applicant or an objector may arrange for a certified court reporter for any application, but shall notify the Board Secretary at least three days in advance of the hearing of its intention to have such reporter present and transcribing the proceedings.
- C. Whether the Board requires a reporter or a reporter is arranged by an applicant or an objector, the cost of taking testimony and transcribing it shall be borne by the applicant or the objector, as appropriate. In any case, the party arranging for the reporter shall provide a copy of the transcript to the Board without cost to the Board.

§ 40-50. Miscellaneous charges.

Miscellaneous charges shall be as follows:

- A. Minutes of agencies meetings, copy of agency decisions, publication of agency decisions, copy of land development ordinance and copy of agency rules and regulations shall be as that set forth by the Open Public Records Acts of the State statutes of the State of New Jersey.
- B. Copy of agency decision: as set forth from time to time by resolution of the governing body.
- C. Publication of agency decision: as set forth from time to time by resolution of the governing body.
- D. Copy of Land Development Ordinance: as set forth from time to time by resolution of the governing body.
- E. Copy of agency rules and regulations: as set forth from time to time by resolution of the governing body.

§ 40-51. Inspection fees.

- A. The approval of site plans, subdivisions and planned developments shall be contingent upon the deposit of a certified check or money order with the Borough Clerk in the amount determined below to cover the cost of engineering inspection. Engineering inspection fees shall be based upon the Engineer's estimate of all standard outside improvements and including landscaping, but not including lighting, signs, fencing, etc. Inspection fees shall be as set forth from time to time by resolution of the governing body.
- B. Further, the Borough Treasurer shall notify the applicant and require payment of an additional fee equal to fifty percent (50%) of the original fee if and when professional charges to the Borough are more than eighty percent (80%) of the original filing fee as required from the schedule above, except that the Borough Treasurer shall be authorized to require less than a fifty-percent additional fee if the Borough Engineer's estimate of additional charges warrants.

§ 40-52. Escrow accounts.

- A. Escrow deposits for professional services.
 - (1) The Planning Board/Zoning Board of Adjustment shall require fees for technical and/or professional services and testimony employed to the Board in reviewing an application. Fees required for this purpose shall be held in an escrow account by the Borough.
 - (2) Fees for technical and/or professional services shall be in addition to any and all other required fees.
- B. Applicants required to submit escrow deposits; exemptions.

(1) All applicants to the Planning Board/Zoning Board of Adjustment are required to pay the required fees and escrow as set forth within the Code of the Borough of Helmetta unless said fees and/or escrows are specifically exempted as set forth herein

(2) When the reviewing Board determines that the application will serve a public purpose and promote the public health, safety and welfare, the following applicants shall submit fifty percent (50%) of the required escrow deposit:

- (a) Public organizations and/or agencies.
- (b) Charitable and/or philanthropic organizations.
- (c) Fraternal and/or religious nonprofit organizations.

(3) Any organization qualifying for Subsection B(2) above must hold a tax exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. § 501(c) or (d)].

C. Submission of escrow deposits.

(1) The applicant shall submit the required escrow deposit to the Borough Secretary prior to the application being reviewed for completeness. No application shall be determined complete, reviewed by professional staff or placed on the agenda for public hearing until the required escrow deposit is paid.

(2) Required escrow deposits shall be in the form of cash, money order or certified check payable to the Borough of Helmetta.

D. Escrow for informal review.

(1) Whenever an applicant requests an informal review of an application for development involving technical or professional advisors, an escrow deposit shall be required in accordance with the schedule for formal applications. The deposit must be received prior to professional review.

(2) Any escrow deposit received for informal review shall be credited to the required escrow deposit for formal applications. The cost for professional services involved in the informal review shall be considered part of the formal application review and charged to the escrow account.

E. Schedule of required fees for escrow deposits. The following sums are required to be deposited in an escrow account for applications to the Planning Board/Zoning Board of Adjustment:

(1) Variances under N.J.S.A. 50:55d-70d not requiring site plan or subdivision Approval (use, etc.): one thousand dollars (\$1,000.).

(1a) Bulk Variances not requiring site plan or subdivision approval: Five Hundred Dollars (\$500.00).

(2) Conditional use approval (fees shall be in addition in to site plan approval): one Thousand dollars (\$1,000).

(3) Site plan applications (fees shall be in addition to any required variances).

(a) Residential site plans (involving dwelling units):

[1] Preliminary approval:

Number of Units	Deposit
0 to 10	\$ 2,500.00
11 to 50	5,000.00
51 to 100	10,000.00
Over 100	15,000.00

[2] Final approval: thirty-three percent (33%) of preliminary approval.

(b) Nonresidential site plans (not involving dwelling units):

[1] Preliminary approval:

[a] With principal buildings over one thousand (1,000) square feet of gross floor area:

Area (square feet of gross floor area)	Deposit
1,001 to 5,000	\$ 4,000.00
5,001 to 25,000	10,000.00
25,001 to 100,000	15,000.00
Over 100,000	20,000.00

[b] Without principal buildings over one thousand (1,000) square feet gross floor area:

Area (acres)	Deposit
Up to 1	\$2,500.00
1 to 10	5,000.00
Over 10	7,500.00

[2] Final approval: thirty-three percent (33%) of preliminary approval.

(4) Subdivision applications (fees shall be in addition to any required variances).

- (8) Whenever an applicant requests an informal review of an application for Development involving technical or professional advisors, an escrow deposit shall be required in the amount of Five Hundred Dollars (\$500.00).

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LAND DEVELOPMENT

§ 40-52

- (a) Major subdivision [over three (3) lots]:
- [1] Sketch plat: five hundred dollars (\$500.).
 - [2] Preliminary approval: five thousand dollars (\$5,000.).
 - [3] Final approval: one thousand five hundred dollars (\$1,500.):

- (5) Planned unit development. Fees shall be as for a simultaneous major site plan and major subdivision application, with fees for residential and nonresidential development computed separately, and thereafter cumulatively assessed upon the applicant.
- (6) Resubmissions. Applicants shall pay escrow fees based upon twenty-five percent (25%) of the original submission of plans for each resubmission of revised plans. If plans are resubmitted in accordance with conditions of approval by the appropriate Board, the fee for resubmission shall be one-fourth (1/4) of the original escrow fee. The above schedule shall be for preliminary purposes only and shall not include any additional escrow fees which are required as hereinafter provided.
- (7) Special design elements. Applicants shall pay escrow fees based upon thirty-three percent (33%) of the original escrow fee, when and as determined by the reviewing board, that the proposed project includes a special design consideration, such as but not limited to a sanitary sewer pump station, detention or retention ponds, a potable water storage facility, a traffic signalization device, off-tract improvements, etc.

F. Review of escrow deposit amount.

- (1) Prior to making a determination of completeness upon any application, the Board shall review said application to determine whether the escrow amount set forth above is sufficient. If the amount set forth is determined insufficient by the reviewing board to cover professional costs anticipated for the application, additional funds in the amount of one-third (1/3) of the initially required escrow fee shall be deposited by the applicant prior to declaring the application complete. The application shall not be declared complete or placed on the agenda for public hearing until such additional escrow deposit is received.
- (2) Further additional escrow deposit fees may be required at any time upon determination by the reviewing board. All approvals shall be conditional upon receipt of such additional fees deposited by the applicant in increments of one-third (1/3) of the initially required escrow fee, when and as determined necessary by the reviewing board, and no building permits or certificates of occupancy shall be issued until all required escrow funds have been received.

- G. Appeal of escrow fees. In the event that the applicant believes the fees to be unreasonable, the Planning Board/Zoning Board of Adjustment shall hear and decide whether such fees are reasonable, and the applicant may appeal the decision of the Planning Board/Zoning Board of Adjustment to the governing body, provided that the applicant shall provide the governing body such transcripts of the Planning Board/Zoning Board of Adjustment hearing on fees, at his cost, and such hearing shall be on record.

The governing body shall set a hearing date, with notice to all parties, and the applicant shall provide a court-certified stenographer to record said hearing. The governing body may reverse a Planning Board/Zoning Board of Adjustment decision only if the Board's decision is not sustained by the preponderance of the evidence.

- H. Escrow accounts over five thousand dollars (\$5,000.); conditions. Whenever an amount of money in excess of five thousand dollars (\$5,000.) shall be deposited by an applicant with the municipality for professional services employed by the municipality to review applications, the money, until repaid or applied to the purposes for which it is deposited, including the applicant's portion of the interest earned thereon, except as otherwise provided for therein, shall continue to be the property of the applicant and shall be held in trust by the municipality. Money deposited shall be held in escrow. The municipality shall deposit it in a banking institution or savings and loan association in this state insured by an agency of the federal government or in any other fund or depository approved for such deposits by the state in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The municipality shall notify the applicant, in writing, of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. The municipality shall not refund an amount of interest paid on a deposit which does not exceed one hundred dollars (\$100.) for the year. If the amount of interest exceeds one hundred dollars (\$100.), that entire amount shall belong to the applicant and shall be refunded to him by the municipality at the time the deposit is repaid or applied to the purpose for which it was deposited, as the case may be; except that the municipality will retain for administrative expenses a sum equivalent to no more than thirty-three and one-third percent (33 1/3%) of that entire amount, which shall be in lieu of all other administrative and custodial expenses.
- I. Accounting of fees. In the event that any applicant desires an accounting of the expenses or fees paid by him for professional review, he shall request such in a letter directed to the Secretary of the Planning Board/Zoning Board of Adjustment. The applicant shall be responsible for any costs incurred by the Planning Board/Zoning Board of Adjustment in having its professional and administrative staff prepare an accounting of the fees expended. Such additional amount as may be required for said accounting shall be paid to the Planning Board/Zoning Board of Adjustment prior to issuance of a certificate of occupancy in the event that there are insufficient escrow funds to pay for said accounting.
- J. Refunds. All escrow funds described herein shall be utilized by the appropriate Board to pay the cost of any technical and/or professional services incurred by the Board for review and/or testimony in connection with the particular application. All funds not expended shall be refunded to the applicant within sixty (60) days after the final determination by the appropriate Board with respect to such application. No amount shall be refunded prior to certification by the Board Secretary that said application has been finally determined.

ARTICLE X
Development Review Procedures

§ 40-53. Conditional approval.

Regulation of land development and the attachment of reasonable conditions to development applications are exercises of valid police powers delegated by the state to the Borough. The applicant shall comply with reasonable conditions laid down by the approving authority for design, dedication, improvements and the use of the land to conform to the physical and economical development of the municipality and to the safety and general welfare of the future residents/owners in the development and the community at large. Where County Planning Board review or approval is required on a subdivision or site plan, the approving authority shall condition any approval it grants upon either timely receipt of a favorable report by the County Planning Board or approval by the County Planning Board due to its failure to submit a report within the required time period. If the county's report is negative or attaches conditions, the original action by the municipal approving authority shall be null and void and a new resolution shall be adopted which considers the County Planning Board's report.

§ 40-54. Exceptions.

The approving authority, when acting upon applications for preliminary or minor subdivision approval and preliminary site plan approval, shall have the power to grant such exceptions from the design and performance standards in Articles XIV and XV of this chapter as may be reasonable and within the general purpose and intent of the provisions for subdivision/site plan review and approval if the literal enforcement of one (1) or more provisions of this chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

§ 40-55. Exemptions from subdivision regulations.

The approving authority may waive required notices and hearings for minor and exempt subdivision and site plans except where a variance or conditional use is part of the application. Divisions of land not considered a subdivision, as defined in this chapter or in N.J.S.A. 40:55D-1 et. seq., shall be exempt from compliance with the requirements of this chapter only after affirmative action by the approving authority. Such action shall be taken following submission of documentation to the approving authority showing the division of land for agricultural purposes where all resulting parcels are five (5) acres or larger in size; divisions by testamentary or intestate provisions; divisions of property by court order; and conveyances so as to combine existing lots by deed or other instrument, as the case may be.

§ 40-56. Submission of minor subdivision plat.

- A. The approving board may waive public notice and hearing for a plan if it is found that the subdivision of land contains not more than three (3) lots fronting on an existing minor street, does not involve any land or a portion thereof which has been subdivided within twelve (12) months prior to the subdivision application, nor involving any new street, road, extension of municipal facilities, planned development and not adversely

affecting the development of the remainder of the parcel or adjoining property and is not in conflict with any provision of the Master Plan or this chapter.

- B. Minor subdivision approval shall be granted or denied within forty-five (45) days of the date of submission of a complete application or within such further time as may be consented to by the applicant. The approving board shall condition any approval that it grants, pursuant to this section, upon timely receipt of a favorable report on the application by the Middlesex County Planning Board or approved by the Middlesex County Planning Board by its failure to report thereon within the required time period.
- C. Approval of a minor subdivision shall expire one hundred ninety (190) days from the date of municipal approval unless within such period a plan in conformity with such approval and the provisions of the Map Filing Law,²⁰ or a deed clearly describing the approved minor subdivision is filed by the applicant with the county recording officer, the Municipal Engineer and the Municipal Tax Assessor. Any such plan or deed accepted for such filing shall have been signed by the Chairman and the Secretary of the approving board.
- D. The applicant shall submit to the administrative officer at least twenty-one (21) days prior to the public meeting of the approving board twenty (20) blue- or black-on-white copies of the sketch plat; twenty (20) completed copies of the standard development application form; three (3) completed copies of the sketch plat checklist; three (3) copies of any protective covenants, deed restrictions and easements applying to the land being developed; five (5) copies of the drainage calculations and soil erosion and sediment control data, if required; ten (10) copies of any required traffic, environmental or other study or report as may be required by the Board; the applicable fee; and certification by the Tax Collector that all taxes are paid to date. If the application is found to be incomplete, the applicant shall be notified within forty-five (45) days of submission of such application, or it shall be deemed to be properly submitted.

§ 40-57. Submission of preliminary subdivision plat.

- A. Any owner of land within the municipality shall, prior to subdividing or resubdividing land, as defined in this chapter, submit to the administrative officer at least twenty-one (21) days prior to a regular meeting of the approving authority, twenty-five (25) blue- or black-on-white copies of the preliminary plat; twenty-five (25) completed copies of the standard development application form; three (3) completed copies of the preliminary plat checklist; three (3) copies of any protective covenants, deed restrictions and easements applying to the land being developed; three (3) copies of the drainage calculations and soil erosion and sediment control data, if required; the applicable fee; and certification by the Tax Collector that all taxes are paid to date. If the applicant is not the owner of record of the land, then all contractual agreements concerning its use shall be submitted. If the application is found to be incomplete, the applicant shall be notified, in writing, within forty-five (45) days of submission of such application, or it shall be deemed to be properly submitted.

20. Editor's Note: See N.J.S.A. 46:23-9.9 et seq.

- B. If the approving board requires a substantial amendment in the layout of improvements proposed by the applicant that have been the subject of a hearing, an amended application shall be submitted, and proceeded upon, as in the case of the original application. The approving board shall, if the proposed subdivision complies with the standards and provisions of this chapter, grant preliminary approval to the subdivision.
- C. Upon the submission to the administrative officer of a complete application for a subdivision of ten (10) or fewer lots, the approving board shall grant or deny preliminary approval within forty-five (45) days of the date of such submission or within such further time as may be consented to by the applicant. Upon the submission to the administrative officer of a complete application for a subdivision of more than ten (10) lots, the approving board shall grant or deny within ninety-five (95) days of the date of such submission or within such further time as may be consented to by the applicant. Failure of the approving authority to act within the above-prescribed time periods shall be deemed to have granted preliminary subdivision approval.
- D. Two (2) preliminary plans shall be filed by the applicant with the Middlesex County Planning Board. If the Middlesex County Planning Board fails to act on the subdivision application within a thirty-day period, the application shall be deemed to have been approved by the County Planning Board. However, by mutual agreement between the County Planning Board and the approving board, with the approval of the applicant, the thirty-day period may be extended for an additional thirty-day period. Any such extension shall so extend the time within which the municipal approving authority shall be required by law to act. Should the Middlesex County Planning Board fail to receive an approved extension of time, the Secretary of the County Planning Board shall attest on the final plan to the failure of the County Planning Board to report within the required time period. Such attestation shall be sufficient authorization for further Borough action on the application.
- E. Effect of preliminary approval. Preliminary approval of a major subdivision shall, except as provided in Subsection F below, confer upon the applicant the following rights for a three-year period from the date of the preliminary approval:
- (1) That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; and any requirements peculiar to site plan approval, except that nothing herein shall be construed to prevent the Borough from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety.
 - (2) That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary plat.
 - (3) That the applicant may apply for and the approving authority may grant extensions on such preliminary approval for additional periods of at least one (1) year, but not to exceed a total extension of two (2) years, provided that if the design standards have been revised by ordinance, such revised standards may govern.

- F. In the case of a development of an area of fifty (50) acres or more, the approving authority may grant the rights referred to in Subsection E(1), (2) and (3) above for such period of time longer than three (3) years as shall be determined by the approving authority to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under preliminary approval, the potential number of dwelling units and nonresidential floor area of the section(s) awaiting final approval, economic conditions and the comprehensiveness of the development, provided that, if the design standards have been revised, such revised standards may govern.

§ 40-58. Submission of final subdivision plat.

- A. The applicant shall submit to the administrative officer at least twenty-one (21) days prior to the public hearing of the approving board twenty (20) blue- or black-on-white copies of the final plat, together with twenty (20) completed copies of the standard development application form. The approving board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by this chapter for final approval, the conditions for preliminary approval and the standards prescribed by the Map Filing Law.²¹
- B. Final approval shall be granted or denied within forty-five (45) days after submission of a complete application to the administrative officer or within such further time as may be consented to by the applicant. Failure of the approving authority to act within forty-five (45) days shall constitute final approval. Whenever review or approval of the application by the county approving board is required, the approving board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period. After its approval, an applicant shall file the final subdivision plan which conforms to the Map Filing Law, clearly describing the approved subdivision with the County Clerk, the Municipal Engineer and the Municipal Tax Assessor. It shall also be filed by the applicant with the Middlesex County Clerk within ninety-five (95) days of such approval; otherwise, such approval shall expire unless the approving board extends the time for filing for an additional period not to exceed one hundred ninety (190) days from the signing of the plat, and the final plan is so filed within such period of time.
- C. Where the final approval contains conditions, if all conditions are not complied with within one hundred eighty (180) days from the date of final approval or within such additional time as the approving board shall allow, the final approval shall lapse.
- D. Effect of final approval.
- (1) The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the applicant, whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date of final approval, provided that, in the case of a major subdivision, the rights conferred by this section shall expire if the plan has not been duly recorded within the time periods

²¹. Editor's Note: See N.J.S.A. 46:23-9.9 et seq.

provided herein. If the applicant has followed the standards prescribed for final approval and, in the case of a subdivision, has duly recorded the plan as required, the approving board may extend such period of protection by extensions of one (1) year, but there shall not be more than three (3) extensions. Notwithstanding any other provisions of this chapter, the granting of final approval terminates the time period of preliminary approval for the section granted final approval.

- (2) In the case of a subdivision for a planned development of fifty (50) acres or more or major conventional subdivision or site development plan for one hundred fifty (150) acres or more, the approving board may grant the rights referred to herein for such period of time longer than two (2) years, as shall be determined by the approving board to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under final approval, economic conditions and the comprehensiveness of the development. The applicant may apply for thereafter and the approving board may thereafter grant an extension of final approval for such additional period of time as shall be determined by the approving board to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under final approval, the number of dwelling units and nonresidential floor area remaining to be developed, economic conditions and the comprehensiveness of the development.

§ 40-59. Required site plan reviews.

- A. Prior to the issuance of a building permit or certificate of occupancy for any new structure or use, change, addition or alteration in structure or use, construction of or addition to a parking lot or use of vacant land as a parking lot, change in use of any nonresidential use or for any new structure or use, a site plan shall be reviewed, approved or waived as hereinafter provided by the approving authority. Detached one- and two-family dwellings used exclusively as residences are specifically excluded from the site plan requirement.
- B. The approving authority may waive certain site plan content requirements if the proposed construction or alteration or change of occupancy or use does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting or other considerations of site plan review; and further provided that all requirements of the zoning regulations are met. The approving authority may waive the requirement for notice and a public hearing for a minor site plan at its discretion on any application.

§ 40-60. Certificates of occupancy.

No certificate of occupancy shall be given unless all construction and development conforms to the approved site plan as the same may have been formally revised or amended by the approving authority.

§ 40-61. Submission of minor site plan.

- A. The applicant shall submit to the administrative officer at least twenty-one (21) days prior to the public meeting of the approving authority twenty (20) blue- or black-on-white copies of the preliminary site plans; twenty (20) completed copies of the standard development application form; three (3) completed copies of the minor site plan checklist; three (3) copies of any protective covenants, deed restrictions and easements applying to the land being developed; five (5) copies of the drainage calculations and soil erosion and sediment control data, if required; ten (10) copies of any required traffic, environmental or other study or report; the applicable fee; and certification by the Tax Collector that all taxes are paid to date. If the applicant is not the owner of record of the land, then all contractual agreements concerning its use shall be submitted.
- B. If the application is found to be incomplete, the applicant shall be notified, in writing, within forty-five (45) days of submission of such application, or it shall be deemed to be properly submitted.
- C. Upon the submission to the administrative officer of a complete application, the approving authority shall grant or deny approval within forty-five (45) days of the date of such submission or within such further time as may be consented to by the applicant. Failure of the approving authority to act within forty-five (45) days shall be deemed approval.

§ 40-62. Submission of preliminary site plan.

- A. The applicant shall submit to the administrative officer at least twenty-one (21) days prior to the public meeting of the approving authority twenty (20) blue- or black-on-white copies of the preliminary site plan; twenty (20) completed copies of the standard development application form; three (3) completed copies of the preliminary site plan checklist; three (3) copies of any protective covenants, deed restrictions and easements applying to the land being developed; five (5) copies of the drainage calculations and soil erosion and sediment control data, if required; ten (10) copies of any required traffic, environmental or other study or report; the applicable fee; and certification by the Tax Collector that all taxes are paid to date. If the applicant is not the owner of record of the land, then all contractual agreements concerning its use shall be submitted.
- B. If the application is found to be incomplete, the applicant shall be notified, in writing, within forty-five (45) days of submission of such application or it shall be deemed to be properly submitted.
- C. If the approving board requires any substantial amendment in the layout of improvements proposed by the applicant that have been the subject of a hearing, an amended application for site development plan approval shall be submitted and proceeded upon as in the case of the original application. The approving board shall, if the proposed development complies with this chapter, grant preliminary site development plan approval.

- D. Two (2) preliminary plans shall be filed by the applicant with the Middlesex County Planning Board. If the Middlesex County Planning Board fails to act on the site plan application within a thirty-day period, the application shall be deemed to have been approved by the County Planning Board. However, by mutual agreement between the County Planning Board and the approving board, with the approval of the applicant, the thirty-day period may be extended for an additional thirty-day period. Should the Middlesex County Planning Board fail to receive an approved extension of time, the Secretary of the County Planning Board shall attest on the final plan to the failure of the County Planning Board to report within the required time period. Such attestation shall be sufficient authorization for further Borough action on the application.
- E. Effect of preliminary approval. Preliminary approval of a site development plan shall, except as provided in Subsection F of this section, confer upon the applicant the following rights for a three-year period from the date of the preliminary approval:
- (1) That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; and, in the case of a site development plan, any requirements peculiar to the site development plan approval, except that nothing herein shall be construed to prevent the municipality from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety.
 - (2) That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary site development plan.
 - (3) That the applicant may apply for and the approving board may grant extensions of such preliminary approval for additional periods of at least one (1) year, but not to exceed a total extension of two (2) years, provided that if the design standards have been revised herein, such revised standards may govern.
- F. In the case of a site development plan for an area of fifty (50) acres or more, the approving board may grant the rights referred to herein for such period of time longer than three (3) years as shall be determined by the approving board to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under preliminary approval, economic conditions and the comprehensiveness of the development. The applicant may apply for thereafter and the approving board may thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the approving board to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under preliminary approval and the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval, economic conditions and the comprehensiveness of the development, provided that if the design standards have been revised, such revised standards may govern.

§ 40-63. Submission of final site plan.

- A. The applicant shall submit to the administrative officer at least twenty-one (21) days prior to the public meeting of the approving authority twenty (20) blue- or black-on-white copies of the final site plan; twenty (20) completed copies of the standard development application form; three (3) completed copies of the final site plan checklist; the applicable fee; and certification by the Tax Collector that all taxes are paid to date. If the applicant is not the owner of record of the land, then all contractual agreements concerning its use shall be submitted.
- B. If the application is found to be incomplete, the applicant shall be notified, in writing, within forty-five (45) days of submission of such application, or it shall be deemed to be properly submitted.
- C. The approving board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by this chapter for:
- (1) Final approval.
 - (2) The conditions for preliminary approval.
 - (3) The standards prescribed by the Map Filing Law.²²
- D. Final approval shall be granted or denied within forty-five (45) days after submission of a complete application to the administrative officer or within such further time as may be consented to by the applicant. Failure of the approving authority to act within forty-five (45) days shall constitute final approval. Whenever review or approval of the application by the County Planning Board is required, the approving board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval thereon within the required time period.
- E. Where the final approval contains conditions, if all conditions are not complied with within one hundred eighty (180) days from the date of final approval or within such additional time as the approving authority shall allow, the final approval shall lapse.
- F. Effect of final approval.
- (1) The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the applicant, whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date of final approval. If the applicant has followed the standards prescribed for final approval, the approving board may extend such period of protection by extensions of one (1) year, provided that there not be more than three (3) such extensions. Notwithstanding any other provisions of this chapter, the granting of final approval terminates the time period of preliminary approval for that section of the subdivision that has been granted final approval.

²². Editor's Note: See N.J.S.A. 46:23-9.9 et seq.

(2) In the case of a site development plan of fifty (50) acres or more, the approving board may grant the rights referred to herein for such period of time longer than three (3) years as shall be determined by the approving board to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under final approval, economic conditions and the comprehensiveness of the development. The applicant may apply for thereafter and the approving board may thereafter grant an extension of final approval for such additional period of time as shall be determined by the approving board to be reasonable, taking into consideration:

- (a) The number of dwelling units and nonresidential floor area permissible under final approval.
- (b) The number of dwelling units and nonresidential floor area remaining to be developed.
- (c) Economic conditions.
- (d) The comprehensiveness of the development.

§ 40-64. Conditions of approval.

- A. Conditions binding. All conditions of any preliminary and final approval shall be binding upon all present and future owners, tenants, occupants, lessors, lessees, heirs, assignees, developers, contractors and subcontractors.
- B. Failure to maintain. All persons receiving development approval for property or their successors in title shall be responsible for installing, maintaining and properly utilizing on-site, off-site and off-tract improvements required by the Board, including but not limited to parking arrangements, buffer zones, drainage facilities, exterior lighting plans and other requirements of the Board as reflected on the plans and in the Board minutes. Failure of the property owner to install, maintain and/or utilize improvements as provided by the site plan approval shall constitute a violation of this chapter and shall be subject to the enforcement procedures set forth herein.

ARTICLE XI

Plat Detail Requirements

§ 40-65. Conformity with requirements.

No development application shall be accepted unless submitted in plat form, and no plat shall be accepted for consideration unless it conforms to the following requirements as to form, content and accompanying information and complies with the provisions of N.J.S.A. 46:23-9 et seq. (Map Filing Law), as amended. All plats shall be drawn by a land surveyor, as required by law, licensed to practice in the State of New Jersey, and shall bear the signature, seal, license number and address of the land surveyor, except that sketch plats of minor subdivisions and minor site plans are exempt from this requirement. All drawings of improvements shall be signed and sealed by a licensed professional engineer of the State of New Jersey.

§ 40-66. Subdivision sketch plat.

- A. The sketch plat shall be based on tax map information or some similarly accurate base, at a scale preferably not less than one hundred (100) feet to the inch, to enable the entire tract to be shown on one (1) sheet and shall show or include the following information:
- (1) A key map at a scale of one (1) inch equals four hundred (400) or five hundred (500) feet, showing the location of the tract to be subdivided and its relationship to surrounding areas within one thousand (1,000) feet of its boundaries. Zoning boundaries and the intersection of at least two (2) public streets together with the names of such streets shall also be shown.
 - (2) A title box containing the title of the map, the name of the development, if applicable, the tax map sheet, block and lot numbers, the name, address, license number, signatures and embossed seal of the engineer who prepared the engineering details, if any, the date of original plan preparation and a box for recording revision dates, all to appear in the lower right-hand corner of the plat.
 - (3) A survey prepared by a surveyor licensed in the State of New Jersey, or certification of a licensed land surveyor as to boundaries and topographic conditions. Such certification shall include name, address, license number, signature and seal.
 - (4) Notes adjacent to the title box, including the name and address of the owner of the tract being subdivided and of the subdivider, if different from the owner. The current zoning and a schedule showing compliance with zoning district bulk requirements shall also be shown.
 - (5) Names of all adjacent landowners and owners of property directly across any official street, as disclosed by current tax records. Block and lot numbers shall also be provided.
 - (6) North point and graphic scale.
 - (7) The location of the tract to be subdivided in relation to any larger tract of which it is a part.
 - (8) The layout of the proposed subdivision indicating all lot lines and the dimensions thereof in feet and tenths, as well as the acreage of each proposed lot and minimum setback lines.
 - (9) The location, size, type and specifics of all existing and proposed utilities and storm drainage facilities necessary to service the site.
 - (10) The location, size and use of all existing structures, wooded areas, watercourses and drainage facilities on the site and within two hundred (200) feet of the property in question, as well as the location of all easements, rights-of-way, existing fences, walls, culverts, bridges, roadways, curbs, sidewalks and driveways on the tract. All trees with a caliper of six (6) inches or more as measured three (3) feet above the ground shall also be shown, as shall floodway and flood hazard boundaries, when applicable.

- (11) A copy of any covenants, deed restrictions or exceptions that are intended to cover all or part of the tract.
- (12) Certification that the applicant is the agent or owner of the land or that the owner has given consent under an option agreement or that the applicant is a contract purchaser on leases. If the applicant is not the owner of record of the land, then all contractual agreements concerning its use shall be submitted.
- (13) A certificate from the Tax Collector that no taxes or assessments for local improvements are due or delinquent.
- (14) A signature block for signatures of the Chairman and the Secretary of the Board.
- (15) The subdivision plan shall indicate the following improvements: necessary water and sewer services, curb, sidewalk, site grading, paved driveway, concrete driveway apron, improved roadway pavement or pavement repairs along frontage of all adjoining streets and all other improvements required for the development of the proposed minor subdivision.
- (16) Soil erosion and sediment control plan.
- (17) Trees proposed to be saved must be located and tree save details provided. A limit of disturbance line must be shown.
- (18) The location and dimensions of surface or subsurface structures proposed for demolition.
- (19) Such other information as may be required by the Board in order to make an informed decision.
- (20) An estimate of improvement costs prepared by the applicant's engineer in order that performance guaranties and inspection fees can be calculated if and where required.

§ 40-67. Preliminary plat.

- A. The preliminary plat shall be clearly and legibly drawn or reproduced at a scale of not less than one (1) inch equals one hundred (100) feet. Preliminary plats shall be designed and drawn by a person duly licensed for such purpose by the State of New Jersey. The plat shall be designed in compliance with the provisions of this chapter and shall show or be accompanied by the following information:
- (1) All items required for sketch plat.
 - (2) The name of the owner and of all adjoining property owners, as disclosed by the most recent municipal tax records, within two hundred (200) feet of the perimeter of the entire tract.
 - (3) Elevations to be based upon United States Coast and Geodetic Survey showing existing contours with intervals of one (1) foot where slopes are seven percent (7%) or less, two (2) feet where slopes are more than seven percent (7%) but less

than fifteen percent (15%), and five (5) feet where slopes are fifteen percent (15%) or more. Where changes in grade are proposed, finished grades shall be indicated. Topographic data shall be provided for the entire site as well as suitable overlap onto adjacent properties as deemed necessary to determine the existing drainage and grading patterns.

- (4) Existing spot elevations on structures, pavements, walks or other physical features, with sufficient detail to determine existing conditions.
- (5) Proposed elevations of the site, indicated by spot elevations at all corners of all buildings and lot and at changes in grade and by curb elevations at lot corners. Finished first floor and garage floor elevations shall also be shown for all buildings. If requested by the Borough Engineer, suitably designed proposed contours shall be provided.
- (6) A drainage plan based on the United States Geological Survey Quadrangle Map, with the drainage area delineated, contributory areas given in acres, the anticipated existing and proposed runoff based on a twenty-five-year storm and the upstream drainage area being fully developed. The size, location and capacity of existing downstream drainage facilities shall be shown.
- (7) A design report for the water, sewer and drainage facilities and plans of proposed water, sewer (gas and electricity, if ordered) and storm sewers designed in accordance with Borough standards, showing all adjacent existing and proposed facilities, connections, proposed method of connections, pipe sizes, types and slopes, fittings, individual service connections and other facilities as necessary for satisfactory operation. Plans, profiles and details are required for all water, sewer and drainage facilities.
- (8) Plans of all roadways, including improvements in accordance with Borough requirements for right-of-way width, pavement width, thickness, center-line radius, minimum curb radii, cross slopes, grade, transitions, curbs, sidewalks, driveway aprons, sight triangles and other applicable requirements.
- (9) Plans and profiles of all existing and proposed roadways, pipelines, manholes, structures and proposed facilities, showing all existing and proposed pavement elevations, inverts, rim elevations, grate elevations and the clearances of all crossing utilities.
- (10) Location and description of all monuments.
- (11) A soil erosion and sediment control plan indicating the proposed methods of preventing erosion and situation of property in question, as well as downstream properties or watercourses. This plan shall also indicate the proposed vegetation and landscaping of the site and the scheduling of placement of the same.
- (12) Environmental assessment report.
- (13) Traffic impact analysis.
- (14) Acreage of the tract to be subdivided to the nearest tenth of an acre.

- (15) Location and type of proposed landscape treatment.
- (16) An estimate of improvement costs prepared by the applicant's engineer in order that performance guaranties and inspection fees can be calculated if and where required.

§ 40-68. Final plat.

- A. The final plat shall be drawn in ink on tracing cloth at a scale of not less than one (1) inch equals one hundred (100) feet and in compliance with all provisions of the Map Filing Law (N.J.S.A. 46:23-9.9 et. seq.). The following shall be shown on the final plat:
- (1) A key map showing the entire subdivision and its relationship to surrounding areas and existing street intersections.
 - (2) A title box containing the title of the map, the name of the development, if applicable, the tax map sheet, block and lot numbers and the names and addresses of the owner and of the subdivider, if different from the owner.
 - (3) Certification by a surveyor authorized to practice in the State of New Jersey as to the accuracy of the details of the plat and certification of engineering details by an engineer licensed in New Jersey.
 - (4) Tract boundary lines indicating the bearings of all lot lines and dimensions thereof, as well as the acreage of each lot and minimum building setback lines.
 - (5) All proposed or existing monuments in accordance with the Map Filing Law.²³
 - (6) Right-of-way lines of all existing and proposed streets, easements and other rights-of-way, all with accurate dimensions and bearings and minimum widths as required by Borough standards.
 - (7) The names of all streets and the purposes of easements and rights-of-way and of all land reserved for or dedicated to public use.
 - (8) North point and graphic scale.
 - (9) Acreage of the tract being subdivided and the proposed use of all nonresidential lots.
 - (10) Final construction plans providing all information required for preliminary plat. However, said plans shall be based on final elevations and final lot dimensions. The requirement for final construction plans may be waived by the Board if it can be determined that the preliminary plat was prepared to an accuracy and detail acceptable to the Borough Engineer.
 - (11) Copies of all approval for sanitary sewer extension permits, stream encroachment permits, soil erosion and sediment control permits, Middlesex County Planning

23. Editor's Note: See N.J.S.A. 46:23-9.9 et seq.

Board approval and all other applicable approvals required for construction of the project.

- (12) Certification that the applicant is the agent or owner of the land or that the owner has given consent under an option agreement or that the applicant is a contract purchaser on leases. If the applicant is not the owner of record of the land, then all contractual agreements concerning its use shall be submitted.
- (13) A copy of any covenants, deed restrictions or exceptions that are intended to cover all or any part of the tract.
- (14) A certificate from the Tax Collector that no taxes or assessments for local improvements are due or delinquent.
- (15) The titles and dates of all filed maps for lands abutting the tract.
- (16) The following statements, certifications and endorsements:
 - (a) Signature of applicant's surveyor certifying compliance with the Map Filing Law.²⁴
 - (b) Signature of owner consenting to the filing of the plat at the Middlesex County Clerk's office.
 - (c) Signature of Borough Clerk certifying that the required cash and bonds guaranteeing the setting of monuments has been posted.
 - (d) Signature of the Borough Engineer certifying compliance with the Map Filing Law and applicable Borough requirements.
 - (e) Signatures of the Chairman and the Secretary of the Board certifying the approval of the final plat.
 - (f) Signature of the Borough Clerk certifying compliance with the Map Filing Law and consenting to filing of the plat in the Middlesex County Clerk's office.
- (17) A performance guaranty in favor of the Borough and inspection fees if improvements have not already been constructed.
- (18) Such other information as may be required by the Board in order to make an informed decision.
- (19) Locations of proposed setback lines on each lot.
- (20) All existing streets, streams, public easements and municipal boundaries, including right-of-way widths within the proposed subdivision and within two hundred (200) feet of its boundaries.
- (21) All parcels proposed for public use with a statement of the purpose of each.

24. Editor's Note: See N.J.S.A. 46:23-9.9 et seq.

§ 40-69. Minor site plan.

A. The minor site plan shall be clearly and legibly drawn or reproduced at a scale of no more than fifty (50) feet to the inch. For topographical and boundary survey information, the site plan shall be signed and sealed by a licensed land surveyor. For all elements of design, including drainage, pavements, curbing, walkways, embankments, horizontal and vertical, geometrics, utilities and all pertinent structures, drawings shall be signed and sealed by a licensed professional engineer. The plan shall show or be accompanied by the following:

- (1) A key map at a scale of one (1) inch equals four hundred (400) or five hundred (500) feet, showing the location of the tract and its relationship to surrounding areas within one thousand (1,000) feet of its boundaries, zoning boundaries and the intersection of at least two (2) public streets, together with the names of such streets.
- (2) A title box containing the title of the map, the tax map sheet, block and lot numbers, the name, address, license number, signature and embossed seal of the engineer who prepared the engineering details, the date of original plat preparation and a box to record revision dates, all to appear in the lower right-hand corner of the site plan.
- (3) A survey prepared by a surveyor licensed in the State of New Jersey or certification of a licensed land surveyor as to boundaries and topographic conditions. Such certification shall include name, address, license number, signature and seal.
- (4) Notes adjacent to the title box, including the name and address of the owner and of the applicant, if different from the owner. The current zoning and a schedule showing compliance with the zoning district bulk requirements shall also be shown.
- (5) Names of all landowners within two hundred (200) feet as disclosed by current tax records. Block and lot numbers shall also be provided.
- (6) North point and graphic scale.
- (7) The location, size, type and specifics of all existing and proposed utilities and storm drainage facilities necessary to service the site.
- (8) The location, size and use of all existing structures, wooded areas, watercourses and drainage facilities on the site and within two hundred (200) feet of the property in question, as well as the location of all easements, rights-of-way, existing fences, walls, culverts, bridges, roadways, curbs, sidewalks and driveways on the tract. All trees with caliper of six (6) inches or more as measured three (3) feet above the ground shall also be shown, as shall floodway and flood hazard boundaries and setback lines. Structures to be removed shall be so indicated.
- (9) Elevations based upon United States Coast and Geodetic Survey datum showing existing contours with intervals of one (1) foot where slopes are seven percent (7%) or less, two (2) feet where slopes are more than seven percent (7%) but less

than fifteen percent (15%), and five (5) feet where slopes are fifteen percent (15%) or more. Where changes in grade are proposed, finished grades shall be indicated. Topographic data shall be provided for the entire site, as well as suitable overlap onto adjacent properties, as deemed necessary to determine the existing drainage and grading patterns.

- (10) Existing spot elevations on structures, pavements, walks or physical features, with sufficient detail to determine the existing conditions.
- (11) The proposed use(s) of land and buildings and proposed location of structures, including finished floor elevations and elevations of outside corners. Elevations should also be shown for loading docks, ramps and other points where necessary to determine proper construction of the same.
- (12) All proposed means of vehicular access for ingress and egress to and from the site onto public streets, showing the size and location of driveways and curb cuts, pavement delineations, acceleration and deceleration lanes and any other device necessary to prevent a difficult traffic situation.
- (13) All walkways and rights-of-way for pedestrian traffic.
- (14) The location and design of any off-street parking or loading areas, showing the size and location of bays, aisles and barriers.
- (15) The location of all existing and proposed storm drainage structures, indicating pipe, swale or ditch sizes, inverts, capacities, grades and direction of flow. In addition to design information, the plan shall include a stormwater analysis report from the applicant's engineer detailing the methodologies used for calculation of runoff from all areas contributing to stormwater drainage.
- (16) The location of all proposed waterlines, valves, hydrants and service connections and of all sewer lines.
- (17) Cross sections, center-line profiles and tentative grades of all proposed streets, and plans and profiles of all proposed utility layouts, showing feasible connections to any existing or proposed systems.
- (18) Architectural details showing proposed building elevations, floor plans and type of construction materials. All roof-mounted appurtenances must be screened from view.
- (19) Location of all existing and proposed signs, including dimensions, area and illumination.
- (20) The proposed location, direction of illumination, power and time of proposed outdoor lighting.
- (21) Proposed screening and landscaping, including a planting plan which identifies type, size and quantity of planting.
- (22) The location and size of refuse areas and means of screening the same.

- (23) A copy of any covenants, deed restrictions or exceptions that are intended to cover all or part of the tract.
- (24) A certificate from the Tax Collector that no taxes or assessments for local improvements are due or delinquent.
- (25) All proposed soil erosion and sediment control measures.
- (26) Environmental assessment report.
- (27) Signature block for signatures of the Chairman and the Secretary of the Board.
- (28) The following improvements: necessary water and sewer services, curb, sidewalk, site grading, paved driveway, concrete driveway apron, improved roadway pavement or pavement repairs along frontage of all adjoining streets and all other improvements required for the development of the site.
- (29) Such other information or data as may be required by the Board in order to determine that the details of the site plan are in accordance with the standards of this chapter and all other ordinances of the Borough; and, further, that the building or use will not offend the public interest.
- (30) Trees proposed to be saved located and tree save details provided. The limit of disturbance line must be shown.
- (31) The location and dimensions of surface or subsurface structures proposed for demolition.
- (32) List of stockholders holding at least ten percent (10%) of stock (nonresidential development only).
- (33) Traffic impact analysis.
- (34) An estimate of improvement costs prepared by the applicant's engineer in order that performance guaranties and inspection fees can be calculated if and where required.

§ 40-70. Preliminary major site plan.

All items required for a minor site plan are as follows:

- A. A staging plan for all development projects of ten (10) acres or larger.
- B. A traffic impact study showing existing peak hours, road capacity, gap analysis and proposed improvements both on- and off-site.

§ 40-71. Final major site plan.

The final site plan shall be drawn at a scale of no more than fifty (50) feet to the inch and shall be prepared by a surveyor and an engineer licensed in the State of New Jersey. The final plat shall show or be accompanied by the following information:

- A. All items required for a preliminary major site plan, except that the information shown on the plans shall be in final form and with the accuracy required for a final plat.
- B. A statement by the Borough Engineer that he is in receipt of a map showing all utilities or extensions thereof in exact location and elevation, identifying those portions already installed and those to be installed.
- C. One (1) of the following:
 - (1) A statement from the Borough Engineer that the applicant has installed all improvements in accordance with the requirements of these regulations and the conditions of preliminary approval.
 - (2) A statement from the Borough Engineer that a performance guaranty in sufficient amount to assure the completion of all required improvements has been posted in favor of the Borough.

§ 40-72. Variance sketch.

The variance sketch shall be based on tax map information or some similarly accurate base at a scale preferably not less than one hundred (100) feet to the inch or greater than eight (8) feet to the inch, to enable the entire tract to be shown on one (1) sheet, and shall show or include the following information:

- A. A key map showing all adjacent properties and property lines within two hundred (200) feet on all sides of the application lot.
- B. North point, block numbers, lot numbers and the date prepared.
- C. The name and address of the property owner.
- D. The name and address of the applicant.
- E. The name and address of the person preparing the plan.
- F. All lot lines and dimensions.
- G. All existing and proposed structures and wall dimensions.
- H. Building line offsets to all property lines.
- I. Zoning setback lines.
- J. All adjoining lands owned by the owner and/or applicant.
- K. The location of existing water mains and proposed water connections.
- L. The location and width of all curb cuts and driveways.
- M. The location, dimensions and street access for off-street parking spaces.
- N. The locations and size of proposed landscaping.

- O. The location of existing sanitary sewer lines and proposed sanitary sewer connections.
- P. All existing and proposed curbs and sidewalks.
- Q. The building offset dimension from the property line to the nearest adjoining structure on each side yard.
- R. Such other information as may be required by the Board in order to make an informed decision.

ARTICLE XII Conditional Uses

§ 40-73. Application.

Before any permit shall be issued for a conditional use, applications shall be made to the approving authority. The approving authority shall grant or deny the application after public hearing, but within 95 days of submission of a complete application or within such further time as may be consented to by the applicant. Notice of the hearing for a conditional use shall include reference to all matters being heard, including site plan and/or subdivision, and the approving authority shall review and approve or deny the subdivision or site plan simultaneously with the conditional use application. Failure of the approving authority to act within the required time period shall constitute approval of the application. In reviewing the conditional use application, the approving authority shall review the number of employees or users of the property and the requirements set forth in this chapter and shall give due consideration to all reasonable elements which would affect the public health, welfare, safety, comfort and convenience, such as but not limited to the proposed use(s), the character of the area, vehicular travel patterns and access, pedestrianways, landscaping, lighting, signs, drainage, sewage treatment, potable water supply, utilities and structural location(s) and orientation(s), and shall conduct a public hearing on the application. Each conditional use shall be considered as an individual case. In all requests for approval of conditional uses, the burden of proof shall be on the applicant. All conditional uses shall require site plan review and approval by the approving authority.

§ 40-74. Building permit.

In approving a conditional use, a time limit of one year from the date of the approval shall be set within which the owner shall secure a building permit; otherwise the approval shall be null and void. The approving authority may, for good cause shown, extend the period for securing a building permit for an additional period not exceeding six months.

§ 40-75. Permitted conditional uses; standards.

The following list of permitted conditional uses are identified within the § 40-124, Schedule of zones, in Article XVI of this chapter. Standards and specifications for each permitted conditional use are set forth in Article XIV, Conditional Use and Performance Standards, to enable the developer to know their extent and limit.

- A. Churches, synagogues and other places of worship: Article XIV, § 40-85.
- B. Public utility facilities: Article XIV, §§ 40-102 and 40-103.
- C. Gasoline filling stations: Article XIV, § 40-107.
- D. Automobile and truck repair: Article XIV, § 40-107.
- E. Senior citizen housing: Article XIV, § 40-114.2. [Added 4-26-1995 by Ord. No. 8-1995]
- F. Wireless communication facilities: Article XIV, § 40-106.1. [Added 7-24-2002 by Ord. No. 15-2002]

ARTICLE XIII
Guaranties and Inspections

§ 40-76. Requirements.

Prior to recording of final subdivision plats or as a condition of site plan approvals, the Board may, for the purpose of assuring the installation and maintenance of on-tract improvements, require the following:

- A. The furnishing of a performance guaranty in favor of the municipality in an amount not to exceed 120% of the cost of installation of the improvements as estimated by the Municipal Engineer as it may deem necessary or appropriate, including streets, grading, pavement, gutters, curbs, sidewalks, streetlighting, shade trees and surveyor's monuments, as shown on the final map and required by the Map Filing Law, P.L. 1960, c. 141 (N.J.S.A. 46:23-9.9 et. seq.), water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping. Of such performance guaranty, a minimum of 10% must be in the form of cash or certified check made payable to the municipality, and the remainder shall be in the form of a corporation surety performance bond issued by an authorized New Jersey corporation. The Municipal Attorney shall approve the performance bond as to form, sufficiency and execution. The Municipal Engineer shall approve the performance guaranty as to size and scope.
- B. Provision for a maintenance guaranty to be posted with the governing body for a period not to exceed two years after final acceptance of the improvement, in an amount not to exceed 15% of the cost of the improvement. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guaranty to another governmental agency, no performance or maintenance guaranty, as the case may be, shall be required by the municipality for such utilities or improvements.
- C. All improvements and utility installations shall be inspected during the time of their installation under the supervision of the Municipal Engineer to ensure satisfactory completion. The cost of said inspection shall be the responsibility of the applicant and shall be deposited with the Municipal Clerk as cash or certified check equal to 5% of the

performance guaranty, to be applied to the cost of inspection of public improvements by the Municipal Engineer.

§ 40-77. Guaranty reduction and/or release.

- A. The time allowed for installation of the improvements for which the performance guaranty has been provided may be extended by said body by resolution.
- B. If the required improvements are not completed or corrected in accordance with the performance guaranty, the obligor and surety, if any, shall be liable thereon to the municipality for the reasonable cost of the improvements not completed or corrected, and the municipality may, either prior to or after the receipt of the proceeds thereof, complete such improvements.
- C. Upon substantial completion of all required appurtenant utility improvements and the connection of the same to the public system, the obligor shall notify the governing body, in writing, by certified mail addressed in care of the Municipal Clerk, of the completion or substantial completion of improvements and shall send a copy thereof to the Municipal Engineer. Thereupon, the Municipal Engineer shall inspect the improvements of which notice has been given and shall file a detailed report, in writing, with the governing body, indicating either approval, partial approval or rejection of the improvements, with a statement of reasons for any rejection. The cost of the improvements as approved or rejected shall be set forth.
- D. The governing body shall either approve, partially approve or reject the improvements on the basis of the report of the Municipal Engineer and shall notify the obligor, in writing, by certified mail, of the contents of said report and the action of said approving authority with relation thereto not later than sixty-five (65) days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guaranty, except for that portion adequately sufficient to secure provision of the improvements not yet improved, provided that thirty percent (30%) of the amount of the performance guaranty posted may be retained to ensure completion of all improvements. Failure of the governing body to send or provide such notification to the obligor within sixty-five (65) days shall be deemed to constitute approval of the improvements, and the obligor and surety, if any, shall be released from all liability pursuant to such performance guaranty for such improvements.
- E. If any portion of the required improvements are rejected, the approving authority may require the obligor to complete such improvements, and, upon completion, the same procedure of notification as set forth in this section shall be followed.
- F. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the Municipal Engineer.

- G. The municipality shall return any balance of the inspection fee to the development applicant upon expiration of the maintenance bond, together with a statement of charges against this amount.
- H. In the event that final approval is by stages or sections of development, the provisions of this section shall be applied by stage or section.

ARTICLE XIV

Conditional Use and Performance Standards

§ 40-78. General requirements.

- A. All construction shall be performed in accordance with the details and specifications of the municipality and the current Standard Specifications for Road and Bridge Construction of the New Jersey Department of Transportation, including all addenda thereto.
- B. The developer shall employ a New Jersey licensed professional engineer and/or architect to prepare all plans and specifications or similar documents and a licensed land surveyor of New Jersey to make land surveys.
- C. Construction shall be performed under the supervision and inspection of the Municipal Engineer in accordance with the regulations defined elsewhere herein.
- D. Minor modifications or changes in the approved plans and specifications may be effected only upon written approval of the Municipal Engineer, but some changes may require further review and approval of the Planning Board/Zoning Board of Adjustment prior to making any change.

§ 40-79. Adherence to specific requirements.

The following design and performance standards shall be adhered to.

§ 40-80. Accessory buildings.

- A. An accessory building attached to the principal building shall comply in all respects with the yard requirements of the principal building.
- B. Detached accessory buildings shall be located to the rear of the front building line of the principal building and, if located in a side yard area, shall conform to the side yard requirements.
- C. No accessory building in conjunction with a residential dwelling shall exceed six hundred (600) square feet in gross floor area.
- D. No accessory building within any zone shall exceed fifteen (15) feet in height.
- E. No accessory building within any zone shall be used for residential purposes.

- F. No accessory building, with the exception of flag poles, light or sign posts, walks, driveways, patios at ground level and mailboxes, shall be erected within any front yard.

§ 40-81. Adult bookstores.

- A. Adequate off-street parking shall be provided at a rate consistent with established standards for retail business use in this chapter.
- B. No adult bookstore shall be located within one thousand (1,000) feet of any other adult book store or within one thousand (1,000) feet of a community facility, elementary, middle or high school, church, synagogue, playground or public park.
- C. The approving authority shall determine that the site plan is compatible to the adjacent use. Buffers shall be required and shall be constructed in conformance with the provisions of this chapter.
- D. The relationship of the proposed use to streets and adjacent properties and other physical features which might act as a deterrent to the general welfare shall be provided.

§ 40-82. Automobile dealers, new and used cars and trucks.

New and used automobile dealers may be permitted in those districts designated in this chapter upon application for a permit and upon determination by the approving authority that the following standards and conditions are met:

- A. A set of plans, specifications and plot plans shall be filed with the approving authority, showing overall dimensions, topographic conditions, the location and intended use of existing and proposed buildings, the relationship of the proposed use to streets and adjacent properties and other physical features which might act as a deterrent to the general welfare.
- B. Before issuing a permit, the approving authority shall determine that the following standards are met:
- (1) The minimum lot area shall be forty thousand (40,000) square feet and the minimum frontage shall be two hundred (200) feet.
 - (2) No automobile shall be displayed closer than ten (10) feet to the front property line. This setback area shall be landscaped and shall not be used for off-street parking or any other purpose.
 - (3) All such uses shall be subject to site plan review and shall address the effective handling of customer parking and on-site traffic circulation. Customer parking shall be provided on-site at the rate of one (1) space for every ten (10) spaces available for vehicle display.
 - (4) Automobile prices or year of manufacture shall not be boldly displayed on the automobile in a manner which would be legible from the roadway. The purpose of this regulation is to avoid undue distractions to the traveling public.

- (5) Banners, flags, movable signs, flashing lights, pennants, rotating devices or similar devices shall not be permitted. Signs shall conform to the requirements of the municipal sign ordinance.²⁵
- (6) No facilities for automobile body repair or mechanical repair shall be permitted to be located on the premises used for sales and showrooms of new and used automobiles except those facilities necessary for the preparation or maintenance of automobiles sold upon said premises and only where said facilities are clearly incidental and subordinate to the principal use.

§ 40-83. Bikeways.

- A. Bikeways may be required at the approving authority's discretion, depending on the development's location in relation to schools, recreation areas, shopping facilities and other populated areas. Bicycle traffic shall be separated from motor vehicle and pedestrian traffic as much as possible.
- B. Bikeways shall generally not exceed a grade of three percent (3%), except for short distances, and shall be a minimum of eight (8) feet wide. Bikeways shall have a minimum four-inch base of crushed stone and a two-inch FABC-2 surface course. Where bike paths, located outside street rights-of-way, intersect a street, the curbing shall be ramped for bicycle access to the street grade, and the applicant shall be required to post adequate signs for the street warning vehicles of the bicycle crossing.

§ 40-84. Buffers.

- A. Function and materials. Buffering shall provide a year-round visual screen in order to minimize adverse impacts from a site on an adjacent property or from adjacent areas. It may consist of fencing, evergreens, berms, mounds or combinations to achieve the stated objectives.
- B. When required. Buffer areas shall be required along all lot lines and street lines which separate a nonresidential use from either an existing residential use or residential zoning district and/or where the approving authority has determined that there is a need to shield a site from adjacent properties and to minimize adverse impacts such as incompatible land uses, noise, glaring light and traffic.
- C. Where required. Buffer areas shall be measured from property lines. Buffers shall be at least ten (10) feet in width, measured from the property line, except where otherwise stated.
- D. Parking areas, garbage collection and utility areas and loading areas shall be screened around their perimeter by a buffer a minimum of five (5) feet wide.

25. Editor's Note: Former sign regulations were included in Ch. 48, Signs and Billboards, which chapter was superseded upon adoption of this chapter. See § 40-108 for current sign regulations.

- E. All buffer areas shall be planted and maintained with either grass or ground cover, together with a living wall screen of live shrubs and scattered planting live trees, shrubs or other plant material meeting the following requirements:
- (1) The preservation of all natural wooded tracts shall be an integral part of all site plans and may be calculated as part of the required buffer area, provided that growth is of a density and the area has sufficient width to serve the purpose of a buffer. Where additional plantings are necessary to establish an appropriate tone for an effective buffer, said plantings may be required.
 - (2) Plant materials used in screen plantings shall be at least four (4) feet in height when planted and be of such density as will obscure, throughout the full course of the year, the glare of automobile headlights emitted and other adverse impacts such as, but not limited to, noise, windblown debris and other typical and frequent nuisance problems, as well as create an aesthetically pleasing and attractive view to mask or obscure the use, function or structure located upon the site.
 - (3) The screen planting shall be so placed that at maturity it will not be closer than three (3) feet to any street or property line.
 - (4) Trees shall be at least eight (8) feet in height and two and one-half (2 1/2) inches caliper when planted and be of species common to the area, be of balled and burlapped nursery stock and be free of insects and disease.
 - (5) Any plant material which does not live shall be replaced within one (1) year or one (1) growing season.
 - (6) Screen plantings and landscaping shall be broken at points of vehicular and pedestrian ingress and egress to assure a clean sight triangle at all street and driveway intersections.
 - (7) No buildings, structures, storage of materials or parking shall be permitted within the buffer area; buffer areas shall be maintained and kept free of all debris, rubbish, weeds and tall grass.

§ 40-85. Churches, synagogues and other similar places of worship.

Churches may be permitted in those districts designated in this chapter upon application for a permit and upon determination by the approving authority that the following standards and conditions are met:

- A. A set of plans, specifications and plot plans shall be filed with the approving authority, showing overall dimensions, topographic conditions, the location and intended use of existing and proposed buildings, the relationship of the proposed use to streets and adjacent properties and other physical features which might impact upon the general welfare.
- B. Before issuing a permit, the approving authority shall determine that the following standards are met:

- (1) The minimum lot area shall be forty thousand (40,000) square feet and the minimum frontage shall be two hundred (200) feet.
- (2) Off-street parking shall be provided at the ratio of one (1) off-street parking space for each two hundred (200) square feet of gross floor area or one (1) space for each three (3) occupants permitted under the applicable fire code regulations,²⁶ whichever standards yield the greater number of required spaces.
- (3) Driveways shall cross the sidewalk at right angles and shall be no more than twenty-four (24) feet wide at any point. Driveways must be at least ten (10) feet from any side lot line and fifty (50) feet from the intersection of the street lines. No more than two (2) driveways shall be permitted for each two hundred fifty (250) feet of street frontage.
- (4) The approving authority shall determine that the site plan is appropriate to the adjacent area. It shall require buffers to protect surrounding properties from the effect or light or noise generated in connection with the use of the property. Such buffer area shall be constructed in conformance with the provisions of this chapter or as supplemented by determination of the Board.

✈ **§ 40-86. Corner lots.**

Any principal or accessory building located on a corner lot shall have a minimum setback from all street lines equal to the required front yard. The remaining yards shall be considered side yards for the purpose of this chapter.

§ 40-87. Drive-in banks.

Drive-in banks may be permitted in those districts designated in this chapter upon application for a permit and upon determination by the approving authority that the following standards and conditions are met:

- A. A set of plans, specifications and plot plans shall be filed with the approving authority, showing overall dimensions, topographic conditions, the location and intended use of existing and proposed buildings, the relationship of the proposed use to streets and adjacent properties and other physical features which might act as a deterrent to the general welfare.
- B. Before issuing a permit, the approving authority shall determine that the following standards are met:
 - (1) The minimum lot area shall be ten thousand (10,000) square feet and the minimum frontage shall be one hundred (100) feet.
 - (2) Adequate off-street parking shall be provided at a rate of one (1) space per each one hundred (100) square feet of gross floor area.

26. Editor's Note: See Ch. 34, Uniform Fire Safety Code.

- (3) Driveways shall cross the sidewalk at right angles and shall be no more than twenty-four (24) feet wide at any point. Driveways must be at least ten (10) feet from any side lot line and fifty (50) feet from the intersection of the street lines. No more than two (2) driveways shall be permitted for each two hundred fifty (250) feet of street frontage.
- (4) The approving authority shall determine that the site plan is appropriate to the adjacent area. Buffers shall be required to protect surrounding properties from the effect of light or noise generated in connection with the use of the property. Such buffer shall be constructed in conformance with the provisions of this chapter.

§ 40-88. Environmental impact statement.

- A. Purpose. The purpose of this section is to establish rules, regulations, standards and procedures for the preparation of an environmental impact statement by the applicant in order to provide essential information to the appropriate reviewing board so that the environmental consequences of a proposed activity can be evaluated and controlled for the promotion of the safety, public health, convenience and general welfare of the community. The environmental impact statement shall describe, with suitable sketches and plans, the proposed project. The environmental impact statement shall compliment, rather than duplicate, the site plan and building plan and shall include a survey and description of the environmental features of the property.
- B. Applicability. All applications for subdivision, site plan, use variance or conditional use for any application involving one (1) acre [forty-three thousand five hundred sixty (43,560) square feet] or more of land may be required to include an environmental impact statement as part of the application submission documentation.
- C. Prior to submitting a preliminary plat for an application involving more than one (1) acre of land, the applicant shall use the Borough's Master Plan or the Soil Conservation Service maps to present an overview of the natural limitations of the site and to guide the layout of the proposed development. These maps will aid in locating soil types, topography, slopes, surface water, aquifers, depth to water table, floodplains, vegetation, foundation limitations, erosion potential and septic suitability. It is anticipated that major areas of concern can be identified and agreed upon by use of this generalized data at an early stage in order to avoid development designs that will encroach upon the major environmental problem areas. Where environmentally sensitive areas identified by this general data must be encroached upon, the environmental impact statement submitted at the preliminary plat stage can analyze the problem in more detail based on on-site evaluations, but limiting the analysis to the smaller areas of concern.
- D. Preliminary plat.
 - (1) The preliminary plat for any development of one (1) acre or more shall be accompanied by an environmental impact statement complying with the following, unless, as a result of data submitted prior to the preliminary plat, the approving authority shall have waived or modified certain portions of these requirements:

- (a) A description of the development specifying what is to be done during construction and operation; how it is to be done and practical alternate plans to achieve the objective(s).
 - (b) An inventory of the following on-site environmental conditions and an assessment of the probable impact of the development upon them: water supply; water quality; wetlands; floodplain protection; geology; soil erosion; sewage disposal; topography; slopes in excess of ten percent (10%); vegetation and vegetation protection; noise characteristics and levels; air quality; land use; site aesthetics, such as views, terrain and mature wooded areas; and historic sites. Air and water quality shall be described with reference to standards promulgated by the Department of Environmental Protection of the State of New Jersey, and soils shall be described with reference to Soil Conservation Service categories and characteristics.
 - (c) A list and the status of the licenses, permits and approvals needed from federal, state or county agencies, including the conclusions and comments of these governmental agencies.
 - (d) An evaluation of any adverse environmental impacts which cannot be avoided. Particular emphasis shall be placed upon air or water pollution, traffic increases, increase in noise, increase in sedimentation and siltation, increase in municipal services or capital needs and consequences to the municipal tax structure. The evaluation should include how the developer can assist in minimizing the adverse impacts by altering design concepts or by making or participating in on- or off-tract improvements.
- (2) In conjunction with the submission of an environmental assessment statement, the applicant shall prepare and submit a fiscal impact analysis which shall detail all municipal costs to be generated by the proposed development, identified by type of obligation, such as but not limited to public safety, public works, health and welfare, recreation, education, administration, utilities, garbage, etc. All anticipated municipal revenues to be realized by the creation of the proposed development shall be identified. In both cost and revenue analysis, dollar values used shall reflect the current year of application budgeting dollar equivalents for comparative purposes. A determination of annual net cost/revenue shall be provided. This cost revenue analysis shall be provided via annual projection to the year of projected one-hundred-percent project buildout completion.

E. Information required.

- (1) General requirements. The information required shall be presented in a concise descriptive report. The descriptive report shall be supplemented with graphic and explanatory material when environmentally sensitive areas are involved. Environmentally sensitive areas include, but are not limited to, stream corridors and floodplains, streams and water bodies, wetlands, slopes greater than ten percent (10%), highly acid or erodible soils, mature stands of trees, aquifer recharge areas, aquifer discharge areas and unique natural features and habitats.
- (2) Specific requirements. Specific requirements shall include:

- (a) Project description. Describe the suitability of the site for the intended use and indicate the extent to which the site must be altered, the kinds of facilities to be constructed, the uses intended and an estimate of the resident population and working population. The compatibility or incompatibility of the proposed project shall be described in relation to the following:
- [1] The Master Plan, especially the land use and open space elements.
 - [2] The Middlesex County Master Plan.
 - [3] Other pertinent planning documents.
- (b) Site description and inventory. Site description and inventory shall include the following:
- [1] Types of soil. A complete mapping of all soil types on the site and a description of each soil's characteristics, with a reference to the Soil Survey of Middlesex County, New Jersey. The statement should make specific reference to the Soil Survey Tables for Engineering Index Properties, Soil and Water Features and, where applicable, Sanitary Facilities.
 - [2] Topography. Describe the topographic conditions of the site.
 - [3] Geology. Describe the geologic formations and features associated with the site, as well as depth to bedrock conditions. Delineate those areas where bedrock is in close proximity to the surface [within two (2) feet of the surface], as well as major rock outcroppings.
 - [4] Vegetation. Map and describe the diversity and frequency of all major species.
 - [5] Wildlife. Describe the diversity and extent of wildlife habitats. Identify any unique habitats.
 - [6] Surface water. Describe and map existing watercourses and water bodies that are partially or totally on the site. Determine the existing surface runoff from the site. Existing drainage structures shall be mapped and the capacity of the drainage network shall be determined. When the natural drainage pattern will be significantly altered or sewage effluent is to be added to a watercourse or body, an analysis shall be conducted which will investigate flow, depth, capacity and water quality of the receiving waters.
 - [7] Subsurface water. Where existing conditions warrant, describe the subsurface water conditions on the site, in terms both to depth to groundwater and of water supply capabilities of the site. From existing data, provide detailed information regarding existing wells within five hundred (500) feet of the site as to depth, capacity and water quality.

- [8] Unique, scenic and/or historic features. Describe and map those portions of the site which can be considered to have unique scenic and/or historic qualities. Discuss views to and views from prominent locations.
- [9] Existing development features. Describe any existing features on the site that are not considered to be part of the natural environment. Include roads, housing units, accessory structures, utility lines, sewage facilities and public water supplies. When required, a regional analysis should be included, which describes existing infrastructure for stormwater, sewerage, water supply and transportation.

(c) Environmental impact.

- [1] Describe on-site sewerage facilities and off-site sewerage connections. Demonstrate adequacy of both on-site and off-site sewerage facilities and capacities and that the sewage can be disposed of without pollution to natural and man-made water systems.
- [2] Demonstrate that an adequate potable water supply is available for both domestic use and fire protection and demonstrate compliance with N.J.S.A. 58:12A-1 et seq., New Jersey Safe Drinking Water Act, and BH Chapter 4, Individual and Semipublic Water Supply Code.
- [3] Discuss the effect of the proposed activity on ground- and surface water quality and quantity. Include calculations of before-development and after-development infiltration capacity. Describe any activities which may result, even temporarily, in compliance with relevant water quality standards and demonstrate ability to comply permanently with state and local regulations as set forth in N.J.S.A. 26:3B-2 and 26:3B-3, Nuisances, N.J.A.C. 7:14, Water Pollution Control Act, N.J.A.C. 7:14A-1, New Jersey Pollution Discharge Elimination System, BH Chapter 2, Section 2-11c., Public Health Nuisance Code, and BH Chapter 12, Water Supply Protection.
- [4] Describe any impact on stream corridors, wetlands, erodible soils, vegetation, wildlife habitats, aquifer recharge areas and historically or archeological significant areas.
- [5] Describe any effect, including cumulative effects, of the proposed activity on air quality surrounding the project. Demonstrate compliance with relevant state and local regulations and standards for visible and invisible pollutants in the air as set forth in N.J.A.C. 27, Air Pollution Control, BH Chapter 2, Section 2-11d., Public Health Nuisance Code, and BH Chapter 16, Air Pollution Control.
- [6] Demonstrate that there will be no significant increase in sound levels which will adversely impact public health and welfare, nor be detrimental to the quality of life and privacy of the surrounding community. Demonstrate compliance with N.J.A.C. 7:29, Noise

Control, and BH, Chapter 2, Section 2-11c., Public Health Nuisance Code.

- [7] Describe any hazardous substances to be transported to or from or to be stored at the site and solid waste which will be generated by the proposed activity. Demonstrate compliance with relevant state and local regulations and standards as set forth in N.J.S.A. 13:1K-6, Environmental Cleanup Responsibility Act,²⁷ N.J.A.C. 7:19, Discharges of Petroleum and Other Hazardous Substances, N.J.A.C. 7:30, Pesticide Control, and BH Chapter 17, Hazardous Substance Control.
 - [8] Describe the environmental impact of traffic generation.
 - [9] Describe any adverse environmental effect that may occur during the construction phase of the project.
 - [10] List all publications, file reports, manuscripts or other written sources of information related to the project, the project site and the Borough which were consulted and employed in the compilation of the environmental impact statement.
- (d) Environmental performance controls. Describe in detail what measures will be employed during the planning, construction and operation phases which will minimize or eliminate negative impacts on- and off-site resulting from the proposed activity, including but not limited to:
- [1] Site design techniques sensitive to the natural environment, which should include innovative landscapes, building and circulation design and buffers.
 - [2] Drainage plans which would limit off-site runoff.
 - [3] Sewage disposal techniques.
 - [4] Water supply and water conservation proposals.
 - [5] Energy conservation measures.
 - [6] Pollution control measures that favorably affect air quality and water quality and reduce noise.
 - [7] Open space reserves.
 - [8] Procedures for chemical spill prevention, control and cleanup.
- (e) The name and address of the person, persons or entity who prepared the environmental impact statement and their curriculum vitae.

27. Editor's Note: This section was amended by L. 1993, c.139, § 1, to change the title to the Industrial Site Recovery Act.

- F. Disposition. The municipal reviewing board shall use the environmental impact and, where appropriate, formulate reasonable and necessary conditions of approval which will mitigate adverse environmental impact.
- G. Notwithstanding the foregoing, the approving authority may waive the requirement for all or part of an environmental impact report if sufficient evidence is submitted to support a conclusion that the proposed development will have a slight or negligible environmental impact or upon a finding that the complete report need not be prepared in order to evaluate the environmental impact of the development.

§ 40-89. Fences, walls and hedges.

Fences and walls shall not be located in any required sight triangle. Fences may be erected, altered and reconstructed in accordance with the following regulations and in accordance with all other provisions of this chapter:

- A. Hedges running parallel to the front property line may be erected, altered or reconstructed to a height not to exceed four (4) feet above ground level, toward which the front entrance of any dwelling in a residential zone faces.
- B. Fences and walls running parallel to the front property line may not be erected, altered or reconstructed, except that fences, walls and hedges located parallel to the front property line and on or behind the front building line may be erected to a height not to exceed four (4) feet above ground level.
- C. Fences, walls and hedges running parallel to side or rear yard lines may be erected, altered or reconstructed to a height not to exceed five (5) feet when located in said side or rear yards of any dwelling in a residential zone.
- D. The foregoing restrictions shall not be applied so as to prevent the erection of any open wire fence not exceeding eight (8) feet above ground level anywhere within a public park, public playground or school premises.
- E. All fences, walls and hedges must be erected within the property lines, and no fence, wall or hedge shall be erected so as to encroach upon a public right-of-way.
- F. All fences, walls and hedges shall be maintained in a safe, sound and upright condition and present a uniform appearance.
- G. Fences on property bordering crosswalks that bisect two (2) residential properties do not exceed six (6) feet in height on the side of the property adjoining the crosswalk. Fences must be set back at least two (2) feet from the crosswalk.
- H. The height of the fence shall be measured from a point on the ground directly under the fence to the highest point on the fence above the ground reference.
- I. The maximum height above-indicated shall not apply to any fencing within ten (10) feet of the periphery of any private wading or swimming pool. Regulations for swimming pools fencing shall be controlled by Ordinance No. 569 entitled, "An Ordinance to Provide for the Construction, Installation, and Regulation of Private Swimming Pools and

Wading Pools and Other Such Facilities in the Borough of Helmetta, New Jersey, and Penalties for Violations thereof," and shall in no case be less than six (6) feet in height.

- J. When a fence, as constructed, shall have a finished side, as compared to an unfinished or inside surface, the finished or public side shall face outward.
- K. No fence shall be situated in such a manner that would obstruct the view of vehicular or pedestrian traffic at any intersection or crosswalk.

§ 40-90. Fire protection.

- A. Provision shall be made for fire hydrants along streets, together with connections, standpipes and sprinklers on the outside walls of nonresidential structures, as approved by the Municipal Fire Department and the Municipal Engineer and in accordance with the Insurance Services Office and National Fire Protection Association standards.
- B. Fire lanes twelve (12) feet in width shall be required across the front and rear of all new residential, institutional, commercial and industrial uses with gross floor area in excess of ten thousand (10,000) square feet. Similar fire lanes are recommended for design along the sides of all new commercial and industrial uses. Parking shall be strictly prohibited in all fire lane areas.

§ 40-91. Height.

The height limitations of this chapter shall not apply to church spires, fire walls, belfries, cupolas, chimneys, ventilators, skylights, bulkheads and similar features and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose that they are to serve. Provisions of this chapter shall permit the erection of parapet walls or cornices for ornament without windows above the building height limit by not more than three (3) feet. Quasi-public buildings and public buildings, schools and churches may exceed the height limit herein established, provided that such uses shall increase the front, rear and side yards one (1) foot for each foot by which such buildings exceed the height limit established for the district within which the use is located.

§ 40-92. Homeowners' association.

A homeowners' association may be established to own and maintain common open space and common property designed within a development. If established, the organization shall incorporate the following provisions in a manner consistent with and as may be more specifically regulated by the New Jersey State Condominium Act²⁸ and the New Jersey Planned Real Estate Development Full Disclosure Act.²⁹

28. Editor's Note: See N.J.S.A. 46:8B-1 et seq.

29. Editor's Note: See N.J.S.A. 45:22A-21 et seq.

- A. Membership by all property owners, condominium owners, stockholders under a cooperative development and other owners of property or interests in the project shall be mandatory. Required membership and their responsibilities shall be in writing between the organization and each member in the form of a covenant, with each agreeing to liability for his pro rata share of the organization's costs.
- B. The organization shall be responsible for liability insurance (with the municipality carried as a named insured), taxes, maintenance and any other obligations assumed by the organization. The organization shall dispose of any common open space or common property by sale or otherwise, except to an organization conceived and established to own and maintain such open space or property for the benefit of such development. Thereafter, such organization shall dispose of any of its open space or property without first offering to dedicate the same to the municipality wherein the land is located.
- C. The organization shall be allowed to adjust the assessment to meet changing needs.
- D. The organization shall clearly describe in its bylaws all the rights and obligations of each tenant and owner, including a copy of the covenant, model deeds and articles of incorporation of the organization, and the master deed shall state that every tenant and property owner in good standing shall have the right to use all common properties. These shall be set forth as a condition of approval and shall be submitted prior to the granting of final approval.
- E. The articles of incorporation, covenants, bylaws, model deeds and other legal instruments shall ensure that the organization shall maintain the common open space or common property in reasonable order and condition. The Municipal Council may serve written notice upon such organization or upon the owners of the development, setting forth the manner in which the organization has failed to maintain the common open space or common property in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty-five (35) days thereof.

§ 40-93. Hotels and motels.

These uses, where and if permitted in this chapter, as specified herein, shall comply with the following minimum standards:

- A. Minimum floor area per unit.
 - (1) Hotel: two hundred fifty (250) square feet.
 - (2) Motel: two hundred fifty (250) square feet.
- B. Minimum lot area per unit.
 - (1) Hotel: one thousand (1,000) square feet.
 - (2) Motel: one thousand (1,000) square feet.
- C. Appropriate areas shall be set aside for the recreational needs of the guests.
- D. Minimum parking requirements for motels and hotels, the sum of:

- (1) One (1) space per rental unit.
 - (2) One (1) space per each four (4) seats of the composite gross number of eating and drinking facilities.
 - (3) One (1) space per each employee on the largest shift.
- E. All garbage receptacles for storage and pickup shall be centrally located and easily accessible within a screened aboveground enclosure.
- F. Fire lanes [twelve (12) feet wide] shall be required along all sides of this use.

§ 40-94. Monuments.

Monuments shall be the size and shape required by N.J.S.A. 46:23-9.11 (the Map Filing Law, as amended) and shall be placed in accordance with said statute and indicated on the final plat. All lot corners shall be permanently marked with a metal alloy pin or equivalent.

§ 40-95. Natural features.

Natural features such as trees, brooks, swamps, hilltops and views shall be preserved whenever possible. On individual lots, care shall be taken to preserve selected trees to enhance soil stability and the landscape treatment of the area.

§ 40-96. Nonconforming uses, structures or lots.

The lawful use of land, buildings or structures existing when this chapter was adopted may be continued on the lot or in the structure although they may not conform to this chapter, and any such structure may be restored or repaired in the event of partial destruction thereof; provided, however, that none shall be enlarged, extended, relocated, converted to another use or altered, except in conformity with this chapter and as permitted below. Land on which a nonconforming use or structure is located and any nonconforming lot shall not be subdivided or resubdivided so as to be made more nonconforming in any manner.

- A. Abandonment. A nonconforming use shall be considered abandoned if it is terminated by the owner, if a nonconforming use involving a structure is discontinued or if a nonconforming use of land without structure(s) ceases. The subsequent use of the abandoned building, structure and/or land shall be in conformity with this chapter.
- B. Conversion to permitted use. Any nonconforming building, structure or use may be changed to conform to this chapter, but shall not be changed back to a nonconforming status. Site plan review and approval of this conversion shall be required.
- C. Maintenance may be performed on a nonconforming use, structure or lot, provided that the maintenance work does not change the use, expand the building or the functional use of the building, increase the area of a lot used for a nonconforming purpose or increase the nonconformity in any manner.

- D. Nonconforming lots and structures. As applied to individual single-family units, for any structure on a conforming or nonconforming lot which violates any bulk requirement, additions to the principal building and/or an accessory building may be constructed without an appeal for variance, provided that the total permitted building coverage regulation is not exceeded and the accessory building and/or the addition to the principal building do not create any new violations of the Zoning Ordinance³⁰ or does not further extend or intensify a previously granted variance.
- E. Restoration and repairs.
- (1) Any nonconforming building, structure or use which has been condemned or damaged by fire, explosion, flood, windstorm or act of God shall be examined by the Code Enforcement Officer. If, in his opinion, the value of repairing the condition is greater than 51% of the value of replacing the entire structure, it shall be considered completely destroyed and may be rebuilt to the original specifications only upon approval of a use variance as provided by state statutes.
 - (2) Where the value of repairing the condition is determined to be less than 50% of the value of replacing the entire structure, the nonconforming structure or use may be rebuilt and used for the same purpose as before, provided that it does not exceed the height, area and bulk of the original structure.
 - (3) The percent damaged or condemned shall be the current replacement costs of the portion damaged or condemned computed as a percentage of the current replacement cost of the entire structure, neither to include the cost of the foundation unless the foundation is damaged or condemned.
- F. Sale. Any nonconforming use, structure or lot may be sold and continue to function in the same nonconforming manner.

§ 40-97. Nursing homes for children or aged; philanthropic or charitable uses.

Treatment and nursing homes for children or aged, philanthropic or charitable structures, except correctional institutions, may be permitted in those districts designated in this chapter if in compliance with the following standards and conditions:

- A. A set of plans and specifications and a statement setting forth full particulars on the operation of the structure or use must be filed with the approving authority in triplicate, showing dimensions, topography, location and use of intended buildings, etc., and any other physical features which might act as a deterrent to the general welfare.
- B. Front, rear and side yards shall be increased one foot for each foot by which such proposed building exceeds the height limit herein established for the district in which it is to be located. In no case shall any building exceed the height of 30 feet nor be located on a lot less than two acres in size with a minimum frontage of 200 feet.

30. Editor's Note: See Article XVI, Zoning, of this chapter.

- C. Off-street parking space shall be provided in side and rear yards only, at the rate of one space for each two beds in a treatment or nursing home and one space for each two beds or one space for each 400 square feet of gross floor area, whichever is greater, for philanthropic or charitable uses.
- D. All off-street parking provided within 30 feet of any property line shall be protected from adverse impact upon adjacent properties through a visual screen of planting not less than four feet at center, of a type or types of planting approved by the approving authority, with buffer areas designed in conformance with this chapter.
- E. In addition to all other requirements, there shall be provided one square foot of open space for every one square foot of building area, in plan, at the ground level.

§ 40-98. Off-site and off-tract improvements. [Amended 7-12-1995 by Ord. No. 16-1995; 8-23-1995 by Ord. No. 18-1995]

- A. Off-site improvements. Off-site improvements, the cost of which are to be borne by the developer, may be required by the Board as a condition of subdivision or site plan approval.
- B. Off-tract improvements.
 - (1) General. Where the need for off-tract improvements is, in whole or in part, made necessary by the applicant's development and the installation of the improvements would confer a benefit upon the development, a determination of the contribution of the developer for said off-tract improvements shall be made by the Board in accordance with the provisions set forth in this section.
 - (2) Determination of need. Prior to the final approval of all subdivisions or site plans hereafter submitted to the Board, the Board may require, in accordance with the standards adopted by this chapter and an adopted circulation plan and utility plan, the installation, or the furnishing of a performance guaranty in lieu thereof, of any or all of the following off-tract improvements it may deem to be reasonably related to the public health, safety and general welfare: street improvements, including sidewalks, water, sewerage and drainage facilities and such other off-tract improvements as the Board may find necessary, and easements therefor. Off-tract improvements shall include, but not be limited to, the installation of new improvements and extensions and modifications of existing improvements, as well as any lands which may be required therefor. [Amended 2-28-1996 by Ord. No. 2-1996]
 - (3) Recommendation to governing body.
 - (a) Having determined by resolution the necessity of an off-tract improvement, the Board shall undertake studies with respect to the cost of the improvement and special benefits to be conferred. (See N.J.S.A. 40:55D-42.) Upon completion of these studies, the Board shall forward its recommendation, along with the results of the studies, to the Borough Council.

- (b) The Borough Council shall, within 60 days from the date of receipt thereof, determine whether the off-tract improvement shall be constructed and, if so, whether by the developer or by the Borough.
- (4) Manner of construction. Unless determined otherwise by the Borough Council, all off-site improvements shall be constructed by the developer under a formula which provides for partial reimbursement by the Borough of Helmetta for the calculated amount by which all other properties, other than the developer's, benefit.
- (5) Amount of contribution. Upon estimating the cost of the improvement and the special benefits to be conferred, the Board may require that the developer provide, as a condition for approval of the application, a bond (or a cash deposit in lieu thereof) to ensure payment to the Borough, satisfactory to the Borough Attorney, in one of the following amounts:
- (a) If the improvement is to be constructed by the Borough, an amount equal to the difference between the estimated cost of the improvement and the estimated total amount by which all properties to be benefited thereby, excluding the developer's property, will be specially benefited by the improvement.
- (b) If the improvement is to be constructed by the developer, an amount equal to the estimated cost of the improvement; provided, however, that if other properties other than the developer's are benefited by the improvement, the Borough of Helmetta may reimburse the developer for the amount by which such other properties benefit or reimbursement shall be from such other property owners in accordance with the terms of this chapter.
- (6) Determination of special benefit.
- (a) Professional input. The Board shall estimate, with the assistance of the Borough Engineer, Planner, Tax Assessor and such other persons having pertinent information or expertise, the cost of the improvement and the amount by which all properties to be serviced thereby, including the developer's property, will be specially benefited therefrom.
- (b) Lots with on-site sewage disposal and water systems. A property serviced by an approved on-site individual waste disposal system or water supply system shall not be considered to be specially benefited by the extension of sanitary sewer or water lines past such properties.
- (c) Lots already serviced. Lots already tied into existing municipal facilities shall not be considered to be benefited by the extension of similar facilities along such properties.
- (d) Standards for specific improvements. In determining to what degree properties not part of the development application have been specially benefited and to what degree the need for the off-site improvement was created by the proposed development, the Board may consider the following, subject to adjustment for peculiar or exceptional conditions:

- [1] Road, curb, gutter and sidewalk improvements in the public rights-of-way shall be based upon a property's percent of the total frontage on said right-of-way. This percent may be modified to reflect differences in vehicular or pedestrian traffic anticipated to be generated by developments fronting on said road. In addition, while a corner lot with frontage upon an improved road shall be considered to benefit from improvements to the second road upon which it fronts, its required contribution shall be calculated based upon only 1/2 of its frontage upon said road, and the remaining frontage shall be distributed proportionately to the other properties fronting on said right-of-way.
 - [2] Drainage facilities may be based upon the percentage relationship between the acreage of the property and the acreage of the total drainage basin involved.
 - [3] Water supply and distribution facilities may be based upon the proportion that a property's anticipated water usage bears to the capacity of the existing and proposed facilities. For calculation purposes, it is assumed that undeveloped lands will be developed for the maximum potential intensity of use under existing zoning.
 - [4] Sewerage facilities may be based upon the proportion that a property's total anticipated volume of sewage effluent bears to the capacity of existing and projected sewage disposal facilities. The Board may also consider types of effluent and particular problems requiring special equipment or added costs for treatment.
- (7) Developer's payment of allocated cost when constructed by Borough.
- (a) The estimated cost of the off-tract improvement allocated to the developer, if deposited in cash, shall be paid by the developer to the Borough Treasurer, who shall provide a suitable depository therefor, and such funds shall be used only for the off-tract improvements serving the same purpose.
 - (b) In the event that the payment by the developer to the Borough is less than its share of the actual cost of the off-tract improvement, then it shall be required to pay its additional share of the cost thereof.
 - (c) In the event that the payment by a developer to the Borough is more than its appropriate share of the actual cost of installation of the off-tract improvements, it shall be repaid an amount equal to the difference between the deposit and its share of the actual cost.
 - (d) Before apportioning the cost of off-tract improvements to a developer, the Board shall notify and afford the developer an opportunity to be heard thereon at a public meeting. If the developer shall deem that any of the amounts so estimated by the Board are unreasonable, it may challenge them and seek to have them revised in appropriate proceedings brought to compel subdivision or site plan approval.

- (8) Installation of improvements by applicant. At the discretion and option of the Borough, the Borough may enter into a contract with the developer providing for the installation and construction of the off-tract improvements by the developer upon contribution by the Borough of the remaining portion of the cost of the off-tract improvement not allocated to the developer.
- (9) Assessment of other properties specially benefited. Upon receipt from the developer of its allocated share of the costs of the off-tract improvements, the Borough may adopt a local improvement assessment ordinance for the purpose of construction and installation of the off-tract improvements based upon the actual cost thereof. Any portion of the cost of the improvements not defrayed by the developer may be assessed against benefiting property owners by the Borough.
- (10) Design standards. Should the developer and the Borough enter into a contract for the construction and erection of the off-tract improvements to be done by the developer, it shall observe all requirements and principles of this chapter and other applicable ordinances in the design of such improvements.

§ 40-99. Performance standards, general.

- A. Electricity. Electronic equipment shall be shielded so there is no interference with any radio or television reception beyond the operator's property as the result of the operation of such equipment.
- B. Glare. No use shall direct or reflect light beyond its lot lines. Exterior lighting and lighting resulting from any manufacturing or assembly operations shall be shielded, buffered and directed as approved on the site plan so that any glare, direct light or reflection will not interfere with the normal use of nearby properties, dwelling units and streets.
- C. Heat. Sources of heat, including but not limited to steam, gases, vapors, products of combustion or chemical reaction, shall not discharge onto or directly contact structures, plant life or animal life on neighboring uses or impair the function or operation of a neighboring use. No use, occupation, activity, operation or device shall cause an increase in ambient temperature as measured on the boundary between neighboring uses.
- D. Radioactivity. No use, activity, operation or device concerned with the utilization or storage of radioactive materials shall be established, modified, constructed or used without having first obtained valid permits and certificates from the Office of Radiation Protection, New Jersey Department of Environmental Protection. Proof of compliance with this requirement shall be the submission of duplicate copies of said permits and certificates.
- E. Vibrations.
 - (1) Standard. Ground-transmitted vibrations shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency in the three mutually perpendicular directions simultaneously.

- (2) Vibration level restrictions. Vibration levels shall not exceed a particular velocity of five-hundredths inch per second in any district. During the hours of 9:00 p.m. to 7:00 a.m. in residential districts, vibration levels shall not exceed a particle velocity of two-hundredths inch per second. Measurements shall be made at the points of maximum vibration intensity and on or beyond adjacent lot lines or neighboring uses, whichever is more restrictive.
- F. Airborne emissions. In all districts, no use, activity, operation or device shall be established, modified, constructed or used without having first obtained valid permits and certificates from the Bureau of Air Pollution Control, New Jersey Department of Environmental Protection, pursuant to N.J.A.C. 7:27-8. Specifically, no use, activity, operation or device shall be established, modified or constructed without a valid permit to construct. No use, activity, operation or device shall be operated, occupied or used without a valid certificate to operate control apparatus or equipment. Proof of compliance with this requirement shall be the submission of duplicate copies of the permit to construct and the certificate to operate.
- G. Odorous matter. No odor shall be emitted that is detectable by the human olfactory sense at or beyond an adjacent lot line.
- H. Noise emissions; noise level restrictions.³¹ Noises shall not exceed the maximum sound levels specified in the following table:

Performance Category	Noise Level Restrictions	
	Maximum Level Permitted (dBA)	Where Measured
Residential districts	55 ¹	On or beyond the neighboring use or lot line
All other districts	65	On or beyond the district boundaries

NOTES:

¹ In any residential district, the A-weighted sound levels shall not exceed 45 decibels during the hours of 9:00 p.m. to 7:00 a.m. Whenever a residential district abuts any other district, the most restrictive of the limitations shall apply.

- I. Storage and waste disposal.
 - (1) In all districts permitting an operation, use or any activity involving the manufacture, utilization or storage of flammable, combustible and/or explosive materials, such operation shall be conducted in accordance with the regulations promulgated by the Department of Labor and Industry of New Jersey or the Fire Code of the National Fire Protection Association, whichever is more restrictive.

31. Editor's Note: See also Ch. 41A, Noise, of the Borough of Helmetta Code.

- (2) All flammable, explosive and/or combustible material shall be stored in accordance with the National Fire Protection Association or Department of Labor and Industry Codes, whichever is more restrictive.
- (3) All outdoor storage facilities for fuel, raw materials and products stored outdoors, wherever permitted, shall be enclosed by an approved safety fence and visual screen and shall conform to all yard requirements imposed upon the principal buildings in the district and storage regulations of the National Fire Protection Association.
- (4) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation or which will destroy aquatic life be allowed to enter any stream or watercourse.
- (5) All materials or wastes which might cause fumes or dust which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers that are adequate to eliminate such hazards.

§ 40-100. Principal uses.

No lot shall have erected upon it more than one (1) principal permitted use. No more than one (1) principal building shall be permitted on one (1) lot, except that a shopping center, apartment or planned multifamily residential development project and industrial complex all receiving site plan approval may be permitted to have more than one (1) building on a lot in accordance with the standards of the zoning district in which it is located.

§ 40-101. Public and private institutions for education not operated for profit.

Public and private nonprofit institutions for education may be permitted in those districts designated in this chapter upon application for a permit and upon determination by the approving authority that the following standards and conditions are met:

- A. A set of plans, specifications and plot plans shall be filed with the approving authority, showing overall dimensions, topographic conditions, the location and intended use of existing and proposed buildings, the relationship of the proposed use to streets and adjacent properties and other physical features which might act as a deterrent to the general welfare.
- B. Before issuing a permit, the approving authority shall determine that the following standards are met:
 - (1) The school shall be approved by the New Jersey Department of Education or the Department of Human Services, whichever is appropriate.
 - (2) A school site shall have direct access onto an existing or proposed secondary arterial or collector road as indicated on the Municipal Master Plan.

- (3) The minimum lot area for an elementary school shall be five (5) acres, plus one (1) additional acre for each one hundred (100) pupils.
- (4) The minimum lot area for all other schools shall be ten (10) acres, plus one (1) additional acre for each one hundred (100) pupils.
- (5) No building shall be located closer than one hundred (100) feet to any property line.
- (6) Fencing shall be provided along adjoining residential properties to be located and of a size and type sufficient to keep children from entering upon such properties either in the course of play or in traveling to and from school.
- (7) Buffers and screening shall be provided in accordance with the provisions of this chapter.
- (8) Off-street parking shall be provided at the following ratios:
 - (a) Nursery, elementary, grammar, middle and/or junior high: one and twenty-five hundredths (1.25) spaces per classroom or teaching station.
 - (b) Senior high school: one (1) space per each five (5) students.

§ 40-102. Public utilities.

All public services shall be connected to approved public utilities systems where they exist.

- A. The developer shall arrange with the servicing utility for all underground installation of the utility's distribution supply lines and service connections in accordance with the provisions of the applicable standard terms and conditions incorporated as a part of its tariff as the same are then on file with the State of New Jersey Board of Public Utility Commissioners.
- B. The developer shall submit to the approving authority, prior to the granting of final approval, a written instrument from each serving utility which shall evidence full compliance or intended full compliance with the provisions of this section; provided, however, that lots which abut existing streets where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a road-widening or an extension of service or other such condition occur as a result of the development and necessitate the replacement, relocation or extension of such utilities, such replacement, relocation or extension shall be underground.
- C. Where natural foliage is not sufficient to provide year-round screening of any utility apparatus appearing above the surface of the ground, other than utility poles, the applicant shall provide sufficient live screening to conceal such apparatus year round.
- D. Any installation under this section to be performed by a servicing utility shall be exempt from the requirement of performance guaranties, but shall be subject to inspection and

certification by the Municipal Engineer, unless specifically and documentably exempt by operation of state law.

§ 40-103. Public utility facilities.

Electrical substations, telephone exchanges, telephone booster stations, gas metering stations, transformers or water and/or sewer pumping stations may be permitted in any zone, provided that:

- A. A statement setting forth the need for and purposes of the installation are filed with the approving authority.
- B. The approving authority finds that the proposed installation in the specific location is necessary or convenient for the operation of the public utility system or for the satisfactory provisions of service to the neighborhood or area in which the particular use is to be located.
- C. Utility distribution or collection lines for water, gas, sewerage, electric and telephone services which are located in a public street or which possible service to private property in the municipality are exempt from this section.

§ 40-104. Quasi-public uses.

Quasi-public uses, as defined in this chapter, may be permitted in those districts designated in this chapter upon application for a permit and upon determination by the approving authority that the following standards and conditions are met:

- A. A set of plans, specifications and a statement setting forth full particulars on the operation of the use and a statement documenting membership size shall be filed.
- B. It is ascertained that the proposed use is a bona fide nonprofit organization operated solely for the recreation and enjoyment of the members of the organization or for the public good.
- C. It is ascertained that the proposed use in the proposed location will not adversely affect the safe enjoyment of property rights or otherwise adversely affect the compatibility of adjacent properties; that the design of any structures erected in connection with such use are in keeping with the general character of the residential area; and that sufficient landscaping, including trees, shrubs and lawn, are provided to serve as a buffer between the use and adjoining residential properties and to ensure an attractive appearance for the use.
- D. The minimum lot area shall be forty thousand (40,000) square feet, and the minimum frontage shall be two hundred (200) feet.
- E. No building, structure or active recreational facilities shall be located within fifty (50) feet of an adjacent residential property line.
- F. The maximum membership limit of an organization shall be fixed at the same time of application and shall be commensurate to the amount of land to be used and the exact

nature of the use. No further extension of the membership shall be made unless additional land is acquired and supplemental application is made.

- G. The membership rolls shall be fixed annually on the first day of July, and a statement documenting membership size shall be filed with the Municipal Clerk within thirty (30) days.
- H. Off-street parking shall be provided at the ratio of one (1) off-street parking space for each four (4) occupants or one (1) space per each two hundred (200) square feet of gross floor area, whichever is greater.

§ 40-105. Recycling.

All development proposals involving single-family development of fifty (50) or more units, multifamily development of twenty-five (25) or more units and commercial or industrial development of one thousand (1,000) square feet or more of land shall provide adequate provisions for the collection, disposition and recycling of recyclable materials as designated by the municipality's Recycling Ordinance and the Mandatory Statewide Source Separation and Recycling Act.³²

§ 40-106. Satellite antenna dishes. Amended 7-24-2002 by Ord. No. 15-2002]

- A. For purposes of this chapter, "satellite earth station antennas" means any apparatus which is designed for the purpose of receiving and/or transmitting telephone, radio, microwave, satellite or similar signals, with the exception of conventional television antennas.
- B. No satellite earth station antenna shall be constructed, erected or installed in the Borough unless and until a building permit is issued by the Construction Official following the procedures set forth herein.
- C. Upon proper application and hearing as provided herein, one (1) satellite earth station antenna may only be permitted as an accessory use in any residential or business district in the Borough, provided that the Planning Board finds and determines that the following conditions have been met:
 - (1) The antenna surface area, measured in terms of square feet, shall be no more than twelve (12) square feet.
 - (2) The equivalent diameter of the cable dish measured in terms of linear feet shall be no more than four (4) feet.
 - (3) The height of the antenna, including its base or mounting structure, measured vertically from the ground to the highest point of the antenna when positioned for operation shall be no more than six (6) feet, except as in Subsection C(10) below.
 - (4) Any antenna shall be mounted on a base affixed to the ground and shall be erected on a secure foundation. No antenna may be erected or mounted on another

32. Editor's Note: See Ch. 68, Solid Waste, and N.J.S.A. 13:1E-99.11 et seq., respectively.

structure or portion thereof, such as, but not limited to, a roof or wall, except as in Subsection C(10) below.

- (5) Any antenna shall be located only in the rear yard of the lot for which it is to be installed and shall comply in all respects with the minimum requirements for the rear yard and side yards of the zone in which said lot is situated.
- (6) Any antenna shall be located in a position on the lot and screened in such a way so as to minimize noise and visual impact as may be perceived from the street or streets. Screening shall be equal to or greater in height than the antenna itself and shall be planted to provide maximum screening and shielding from view and hearing.
- (7) All power controls and signal cables from the antenna to the structure which it is designed to serve shall be installed underground and shall comply with all applicable provisions of the Borough Building Code.³³
- (8) Any antenna shall be designed only for the reception of signals for the use, benefit and enjoyment of the occupants of the structure on the lot on which the antenna is proposed to be installed.
- (9) No more than one (1) antenna shall be permitted as an accessory for any primary use.
- (10) When the coverage on a lot makes ground placement of the antenna impossible or prevents the antenna from fulfilling its intended use, then such antenna may be installed on a structure above the height authorized in Subsection C(3) above, provided that existing or new elements as described in Subsection C(6) above shall be planted to provide a screen for the antenna in a manner similar to that described in Subsection C(6) above.
- (11) No satellite earth station may be installed as the sole structure on any property.
- (12) Satellite antennas shall be permitted as ground installations only.
- (13) Satellite antennas may be installed on lots only where a principal building exists.
- (14) A maximum of one (1) satellite antenna dish shall be permitted per lot.
- (15) Only antennas constructed with a wire-mesh-type dish shall be permitted.
- (16) Antennas shall be screened by fencing or shrubbery to reduce motor drive noise and to minimize the visual impact from the street and the adjacent properties.

§ 40-106.1. Wireless communication facilities. [Added 7-24-2002 by Ord. No. 15-2002]

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

33. Editor's Note: See Ch. 29A, Construction Codes, Uniform.

WIRELESS COMMUNICATION — Any personal wireless service as defined in the Federal Telecommunications Act of 1996 (FTA); i.e., FCC-licensed commercial wireless telecommunication services, including cellular, PCS, SMR, ESMR, paging, and similar services that currently exist or that may in the future be developed. Wireless communications does not include any amateur radio facility that is under 70 feet in height and is owned and operated only by a federally licensed amateur radio station operator or is used exclusively to receive transmissions, nor does it include any parabolic satellite antennas or nonwireless telephone service.

WIRELESS COMMUNICATION ANTENNA — Any device which is used for the transmission and reception of wave frequencies for the purpose of any wireless communication as defined hereinabove. For the purposes of this section, wireless communication antennas shall not be considered to be a public utility.

WIRELESS COMMUNICATION TOWER — A freestanding monopole structure on which one or more antennas are attached, but shall not mean existing structures such as steeples, cupolas, industrial building towers, catenary support towers or water standpipes.

B. Overall purposes.

- (1) It is the overall purpose of this section to provide specific zoning conditions, standards and limitations for the location, approval and operation of wireless communication antennas within the Borough of Helmetta that recognize the need to safeguard the public good, health, safety and welfare and preserve the intent and the purposes of the Helmetta Borough Master Plan and Land Development Ordinance.
- (2) While the Borough of Helmetta acknowledges that the federal government, through the Federal Communications Commission (FCC), issues licenses for wireless communications and that the FCC requires the license holders to provide coverage within the areas so licensed, the Borough of Helmetta understands that the Federal Telecommunications Act of 1996 (FTA) expressly preserves the zoning authority of the Borough to regulate the placement, construction and modification of personal wireless service facilities subject to the six limitations noted at Section 332(c)(7)(B) of the ETA.
- (3) Since the FTA does not abrogate local zoning authority in favor of the commercial desire to offer optimal service to all current and potential customers, and the providers of the personal wireless services must bear the burden of proving that any proposed service facility is the least intrusive means of filling a significant gap in wireless communication services in the area, the Borough of Helmetta has determined that it is prudent to amend its land development ordinance for the purposes stated herein.

C. Overall objective. The overall objective of this section is to allow the provision of wireless communication services while, at the same time, limiting the number of antennas and supporting towers to the fewest possible and only in those locations which do not negatively impact upon the prevailing visual character of the Borough of Helmetta.

D. Specific goals.

- (1) To minimize the total number of wireless communication towers within the Borough of Helmetta;
- (2) To limit the impact of wireless communication antennas, towers and related facilities upon the residences and the streetscapes throughout the Borough of Helmetta;
- (3) To encourage the location of antennas upon, or within, existing structures including, but not limited to existing steeples, cupolas, industrial building towers, catenary support towers, other towers and water standpipes;
- (4) To encourage the collocation of antennas on the fewest number of existing structures within the Borough of Helmetta;
- (5) To encourage the communication carriers to configure their facilities in a manner that minimizes and mitigates any adverse impacts upon affected properties, streetscapes and viewsheds through careful design, siting, landscape screening and innovative camouflaging techniques;
- (6) To encourage the use of alternate technologies which do not require the use of towers, or require towers at relatively lesser heights;
- (7) To enhance the ability of the carriers of wireless communications services who adhere to the letter and intent of these ordinance provisions to provide such services quickly, effectively and efficiently; and
- (8) To comply with the mandate of the Federal Telecommunications Act of 1996, 47 U.S.C. Section 332(c)(7), which preserves local government authority to enforce zoning requirements that protect public safety, public and private property and community aesthetics.

E. Exemptions of applicability. This section shall not apply to any tower or the installation of any antenna that is under 70 feet high and is owned and operated only by a federally licensed amateur radio station operator or is used exclusively to receive transmissions, nor shall it apply to any parabolic satellite antennas or nonwireless telephone services.

F. Locations where wireless communication antennas may be located. Wireless communication antennas may be located only at the following two prioritized locations:

- (1) First priority locations. The first priority locations for wireless communication antennas shall be on industrial building towers, catenary support towers or poles, other towers, the Borough's water storage tank or within existing cupola and steeples in the Borough of Helmetta; antennas so located are permitted uses in the zoning districts in which the identified existing structures are located, notwithstanding any other provision of this section to the contrary.
- (2) Second priority locations. The second priority locations for wireless communication antennas shall be on new wireless communication towers on land

areas within the LI Light Industrial Zoning District; antennas so located are conditionally permitted uses.

G. Requirements for first priority locations.

- (1) The location of wireless communication antennas on or within the structures in the Borough identified in Subsection F(1) above shall be considered permitted uses and shall require minor site plan review and approval of a submitted application to the Helmetta Borough Planning Board in accordance with the provisions of this section.
- (2) In addition to the information otherwise required for minor site plans as identified on the Borough's minor site plan application checklist, the applicant shall provide the following information to the Planning Board:
 - (a) Any proposed structural modification to an existing tower, tank, cupola, steeple or silo that is necessary to accommodate the proposed antennas, provided that the height of the existing structure shall not be increased;
 - (b) Details of the proposed antennas, which shall be flush-mounted antennas totaling no more than six in number;
 - (c) The proposed location and landscape screening of any shelters enclosing the related electronic equipment;
 - (d) Any other construction that may be proposed or required regarding the installation of the proposed antennas; and
 - (e) The height of any proposed antenna attached to an existing structure, provided that no antenna shall extend higher than 10 feet above the height of the existing structure.

H. Requirements for second priority locations.

- (1) Regarding the second priority locations for wireless communication antennas (i.e., on land areas within the LI Light Industrial Zoning District, any such proposed tower, antennas and related equipment shall require both conditional use approval in accordance with § 40-75 of this section and preliminary and final site plan approvals in accordance with § 40-53 et seq. of this section.
- (2) The following information shall be submitted for site plan approval:
 - (a) In order to be declared complete for preliminary and final site plan approval, the initially submitted application shall:
 - [1] Include all of the applicable documentation and items of information identified on the Borough's preliminary and final site plan application checklists as contained in this section;
 - [2] Include an overall comprehensive plan.

- [3] Indicate conformance with all of the applicable area and setback conditions of this section; and
- [4] Indicate conformance with the performance standards set forth in §§ 40-78 and 40-99 of this section.
- (b) During the public hearing process, the applicant shall schedule the time for a crane or balloon test with the Secretary of the Borough Land Use Board in order to provide the members of the Board and the general public the opportunity to view a crane or balloon at the location and height of the proposed tower. Thereafter, a visual sight distance analysis shall be prepared by the applicant and presented to the Board, including photographic reproductions of the crane or balloon test, graphically simulating the appearance of the proposed tower, with at least three antenna arrays attached thereto and from at least 15 locations around and within one mile of any proposed tower where the tower will be most visible.
- I. Overall comprehensive plan.
- (1) In order to effectuate the purposes, objectives and goals of these ordinance provisions, any applicant for approval to erect a new supporting tower for wireless communication antennas shall provide threshold evidence that the proposed location of the tower and antennas has been planned to result in the fewest number of towers within and around the Borough of Helmetta at the time full service is provided by the applicant.
- (2) The applicant shall provide an overall comprehensive plan indicating how it intends to provide full service within and around the Borough of Helmetta and, to the greatest extent possible, shall indicate how its plan specifically relates to and is coordinated with the needs of all other providers of wireless communication services within and around the Borough.
- (3) The overall comprehensive plan shall indicate the following, and this information shall be provided at the time of the initial submission of the application:
- (a) The mapped location and written description of all existing and approved supporting towers for all providers of wireless communication services within one mile of the subject site, both within and outside of Helmetta Borough;
- (b) The mapped location and written description of all existing or approved water towers or water standpipes and existing high tension power line stanchions within one mile of the subject site, both within and outside of Helmetta Borough;
- (c) Why the proposed antennas could not be located on any other structures listed in Subsection F(1) of this section;
- (d) How the proposed location of the proposed antennas specifically relates to the anticipated need for additional antennas and supporting structures within and near the Borough of Helmetta by the applicant and by other providers of wireless communication services within the Borough;

- (e) How the proposed location of the proposed antennas specifically relates to the objective of collocating the antennas of many different providers of wireless communication services on a single supporting structure; and
- (f) How the proposed location of the proposed antennas specifically relates to the overall objective of providing adequate wireless communication services within the Borough of Helmetta while, at the same time, limiting the number of towers to the fewest possible, including alternate technologies which do not require the use of towers or require towers of a lesser height.

J. Area and setback conditions.

- (1) The proposed tower, antennas and ancillary related electronic equipment are required to be located on a land area no less than 20,000 square feet;
- (2) The minimum required land area shall either be a separate undeveloped lot or a leased portion of an existing undeveloped or developed lot;
- (3) The proposed tower, antennas and related equipment, and any approved building housing the electronic equipment and any approved camouflaging of the tower, shall be the only land uses located on the required 20,000 square foot subject land area, whether a separate lot or a leased portion of a lot; and
- (4) Except for any access driveway into the property, required landscaping and any underground utility lines reviewed and approved by the Land Use Board as part of the site plan submission, no building, tower, other structure and/or disturbance of land shall be permitted within 100 feet of any street line and within 50 feet of any lot line of any adjacent property, provided that, in any case, no building, tower, other structure and/or land disturbance shall be located within 500 feet of an existing residential dwelling or within 1,000 feet of any historic district or site as duly designated by Helmetta Borough, Middlesex County, the State of New Jersey and/or by the federal government.

K. Design conditions.

- (1) All towers shall be a monopole design.
- (2) All towers shall be camouflaged (e.g., housed in a silo, bell tower, etc., or made to look like a tree or a nonoversized flagpole) as may be appropriate in the context of the visibility of the tower from different vantage points throughout the Borough and the existing land uses and vegetation in the vicinity of the subject site.
- (3) The height of any proposed new tower and the antennas attached thereto shall not exceed 125 feet from the existing ground level beneath the tower.
- (4) No signage is permitted except such information signs deemed necessary for safety purposes by the Land Use Board.
- (5) Minimal off-street parking shall be permitted as needed and as specifically approved by the Land Use Board.

- (6) No lighting is permitted on a tower except lighting that specifically is required by the Federal Aviation Administration (FAA), and any such required lighting shall be focused and shielded to the greatest extent possible so as not to project towards adjacent and nearby properties. The applicant shall provide to the Land Use Board all applicable FAA standards regarding lighting that may apply to a proposed tower.
- (7) Individual shelters for the required electronic equipment related to the wireless communications antenna(s) shall be permitted in accordance with the following design criteria:
 - (a) Any proposed shelter enclosing required electronic equipment shall not be more than 15 feet in height nor more than 250 square feet in area, and only one such shelter shall be permitted for each provider of wireless communication services located on the site;
 - (b) No electronic equipment shall interfere with any public safety communications;
 - (c) All of the electronic equipment shall be automated so that the need for onsite maintenance and the commensurate need for vehicular trips to and from the site will be minimized;
 - (d) All of the shelters for the required electronic equipment for all anticipated communication carriers to be located on the subject site shall be housed within a single 1 1/2 story building, which building shall not exceed 1,000 gross square feet in area and 20 feet in height, and which shall be designed with a single-ridge, pitched roof with a residential appearance; and
 - (e) The building may have one light at the entrance to the building, provided that the light is attached to the building, is focused downward and is switched so that the light is turned on only when workers are at the building.
- (8) Between the location of the tower and the building enclosing related electronic equipment and any public street or residential dwelling unit or residential zoning district within view of the tower and the building, landscaping shall be provided in accordance with the following:
 - (a) The landscaping shall consist of a combination of existing and/or newly planted evergreen and deciduous trees and shrubs of sufficient density to screen the view of the tower during all four seasons of the year, particularly at its base, to the maximum extent reasonably possible, and to enhance the appearance of the building from the surrounding residential properties and any public street;
 - (b) The landscaping plan shall be prepared by a licensed landscape architect who shall present testimony to the Land Use Board regarding the adequacy of the plan to screen the tower from view and to enhance the appearance of the building; and

- (c) Any newly planted evergreen trees shall be at least eight feet high at time of planting, and any newly planted deciduous trees shall be a minimum caliper of three inches at time of planting.

L. Additional conditions.

- (1) Documentation by a qualified expert that any proposed tower will have sufficient structural integrity to support the proposed antennas and the anticipated future collocated antennas and that the structural standards developed for antennas by the Electronic Industries Association (EIA) and/or the Telecommunication Industry Association (TIA) have been met;
- (2) A letter of intent by the applicant, in a form that is reviewed and approved by the Land Use Board Attorney, indicating that the applicant will share the use of any tower with other approved wireless communication carriers at reasonable rates that are economically viable; and
- (3) The applicant (and the landowner in the instance of leased property) shall provide a performance bond and/or other assurances satisfactory to the Borough Clerk, in a form approved by the Borough Attorney, that will cause the antennas, any supporting tower, the electric equipment cabinets, any building enclosing the electronic equipment shelters, and all other related improvements to the land to be removed, at no cost to the Borough, when the antennas are no longer operative. Any wireless communication facility not used for its intended and approved purpose for a period of six months shall be considered "no longer operative" and shall be removed by the responsible party within 60 days thereof.

M. Location preferences for new towers. The following are not conditions, standards and limitations for the location of wireless communication towers, but are preferences of the Borough:

- (1) To the greatest extent possible, no tower shall be located to be visible from any historic district or site as duly designated by Helmetta Borough, Middlesex County, the State of New Jersey and/or by the federal government.
- (2) To the greatest extent possible, no tower shall be located to be visible from any street.
- (3) To the greatest extent possible, any tower shall be located behind existing buildings and/or natural topographic elevations in order to screen the tower from view from adjacent properties and from any street right-of-way.

N. Other requirements. All other applicable requirements of the Borough's land use regulations not contrary to the conditions, standards and limitations specified herein shall be met, but waivers and/or variances of such other applicable requirements may be granted by the Land Use Board.

O. Technical review. In addition to its normal professional staff, given the technical and specialized nature of the testimony by the applicant's radio frequency expert(s), the Land Use Board may, at the applicant's expense, hire its own radio frequency expert to review and comment upon the testimony presented by the applicant. Additionally, based upon

other testimony presented by the applicant, the Land Use Board may hire other experts with specialized areas of expertise if deemed necessary, also at the applicant's expense.

- P. Application for variances to the Zoning Board of Adjustment. Any application submitted to the Land Use Board for a variance to construct or install wireless communication antennas and/or a new wireless communication tower in a location not permitted by this section shall be required to submit all of the information required herein for second priority locations, and no such application shall be deemed complete unless all of the required information is provided or unless the need to provide the required information is specifically waived by the Board.

§ 40-107. Service stations.

The following regulations shall apply to automobile service stations, automotive repair services and garages, public garages and filling stations.

- A. All storage areas, lifts and working areas shall be within a building. All lubrication, repair or similar activities shall be performed in an enclosed building, and no dismantled parts shall be placed outside.
- B. All gasoline pumps, air pumps and the islands upon which pumps are normally located shall be set back from the street line at least sixty (60) feet and from any other property line at least fifty (50) feet. A minimum space of twenty-five (25) feet shall exist between any two (2) islands and between any island and the service station building.
- C. No junked motor vehicle or part thereof and no unregistered motor vehicle shall be permitted outside an enclosed service station building. Other than employee's vehicles, no more than six (6) motor vehicles may be located outside a service station building for a period not to exceed five (5) days, provided that the owners are awaiting the repair of said motor vehicles.
- D. The exterior display and parking of equipment for rent or sale shall be permitted, provided that the area devoted to this purpose is in addition to the minimum lot size required for a service station, the area devoted to this purpose does not exceed twenty percent (20%) of the total area of the entire site, the maximum sign area for a service station is not exceeded and the location of the equipment being rented or sold does not interfere with the off-street parking requirements for the service station and does not interfere with the traffic circulation indicated on the approved site plan.
- E. The proposed use shall be located on a lot of not less than twenty thousand (20,000) square feet in an area which is not located at the corner of any dangerous street intersection and the lot lines of which are located not less than one thousand (1,000) feet from any school offering courses of general educational instruction or any hospital, church or library and not less than two thousand (2,000) feet from an existing gasoline filling station.
- F. It is intended that service stations be designed compatibly with other permitted commercial or industrial uses in the zone in which they are located and that they not be

stripped along the available highway frontage or at each quadrant of a convenient intersection.

- G. All filling station storage tanks shall be placed in a six-inch-thick concrete cradle. All filler spouts, vents and gauging and venting areas shall be covered by a six-inch-thick concrete plate. Emergency shutoff and venting equipment shall conform to the most recent federal and state requirements, as they may from time to time be revised.
- H. Ingress and egress turning movements shall be designed and coordinated with the access points required for nearby uses, frequency of intersecting side streets, minimizing left turns off collector and arterial streets and maintaining building setbacks compatible with the required setbacks and landscaping.
- I. Off-street parking shall be provided at the rate of three (3) spaces per service bay, plus one (1) space per service vehicle.

§ 40-108. Signs.

A. Permits and yearly fees.

- (1) It shall be unlawful for any person to erect or maintain, within the Borough of Helmetta, any permanent sign without a sign permit issued by the Construction Official. In the event that a sign is included in a site plan or subdivision application, the permit shall be issued by the Construction Official following approval by the Planning Board/Zoning Board of Adjustment.
- (2) Application for sign permits shall be accompanied by a fee as set forth from time to time by resolution of the governing body and shall contain the following:
 - (a) The name, address and telephone number of applicant.
 - (b) The name, address and telephone number of the owner of the property.
 - (c) The location of the building to which the sign is to be erected.
 - (d) The position of the sign on the building, with sketch and dimensions of the proposed sign.
 - (e) The name and address of the person erecting the sign.
 - (f) The relationship between the applicant and the owner and written consent of the owner.
 - (g) Such further information as the Construction Official shall require to show full compliance with this and all other laws and ordinances of the Borough.
 - (h) A sketch of the proposed sign indicating size, color, lighting and material used and drawn to scale.
- (3) It shall be the duty of the Construction Official to examine the application and other data and the premises upon which it is proposed to erect the sign, and if the proposed structure is in compliance with this chapter and other ordinances of the

Borough of Helmetta, he shall issue the sign permit. In the event that the application is not in conformance with this chapter, the Construction Official shall instruct the applicant to apply for a variance from the Planning Board/Zoning Board of Adjustment.

- (4) If the work authorized under the sign permit has not been completed within six (6) months from the date of issuance, the permit shall become null and void.
 - (5) Fees for permanent signs.
 - (a) All persons erecting permanent signs in the Borough of Helmetta shall pay a yearly fee in accordance with the following schedule:
 - [1] Signs under four (4) square feet: no fee.
 - [2] Signs four (4) square feet or over: as set forth from time to time by resolution of the governing body.
 - [3] Freestanding or ground signs: as set forth from time to time by resolution of the governing body.
 - (b) No fee shall be charged for a two-year period where a nonconforming sign is replaced with a conforming sign.
- B. Design theme. There shall be a consistent sign design theme throughout a particular project. The design theme shall include style of lettering, construction, material, type of pole or standard (wood or metal, for example), size and lighting. Color of letters and background shall be carefully considered in relation to the color of the material of buildings where signs are proposed to be located. The standards set forth herein shall be construed as maximum parameters; the approving board may, depending upon the particular circumstances, prescribe a lesser degree of permissiveness, including the size, height, number and type of illumination of signs. In considering and approving signs, the approving board shall take into consideration the design concept, including the whole sign structure in terms of form and composition, color, materials, surface decoration, shape, text, letter styles and illuminations, construction and integration of the sign or signs with the buildings and immediate surroundings. The approving board may attach such conditions and safeguards as a precondition to approval of said sign as in its opinion will further the general purpose and intent of this section and be in harmony therewith. The net result of this section shall be toward the development of a visible Borough aesthetic standard of design criteria regarding all signage, thereby effecting the highest level of tastefulness which can be achieved for all applications.
- C. General regulations.
- (1) If the Construction Official shall find that any sign or part thereof is unsafe or insecure, he shall give written notice to the owner of the sign or the owner of the premises. If the sign is not removed or repaired within forty-eight (48) hours after the issuance of such notice, the Construction Official shall cause the removal, transportation and storage of said sign, at the expense of the owner of the property upon which it is located.

(2) In the event that any sign is removed by the Construction Official as hereby provided for, the Construction Official shall certify the cost of removal, transportation and storage to the Borough Council. The Borough Council by resolution shall cause the cost as indicated by said certificate to be charged against said lands. The amount so charged shall forthwith become a lien upon said lands, the same to bear interest at the same rate as taxes and shall be collected in the same manner as taxes.

(3) No billboards, outdoor advertising or other sign shall be erected which advertises a product, business or activity not conducted at the same location at which the sign is situated. Any sign which does not advertise a bona fide existing activity conducted on the premises or product sold therein shall be taken down within ten (10) days after written notice from the Construction Official. After ten (10) days' notice has expired, the Construction Official may cause the removal of said sign in accordance with Subsection C(2) above.

D. Prohibited signs. All types of signs not expressly permitted by this section are prohibited, including but not limited to the following:

- (1) No sign shall be of a type which moves in whole or in part by any means, including fluttering, rotating or motion caused by the atmosphere, nor which emits smoke, visible vapors or particles, sound or odor.
- (2) No sign shall display flashing or intermittent light or lights of changing degree of intensity or changing colors.
- (3) No sign shall be erected which directly or indirectly causes or produces any glare into a street or upon any dwelling unit. Exposed sources of light including bare bulbs and tubules and immediately adjacent reflecting surfaces shall be shielded so as not to create a nuisance across lot lines.
- (4) Signs of such design and location that they interfere with, compete for attention with or may be mistaken for a traffic signal will not be permitted. This shall include any sign visible from the public right-of-way which uses an arrow device or the word "stop." It shall also include signs in which the colors red and green are used in direct illumination or in high reflection by the use of special preparation such as fluorescent paint or glass.
- (5) Mobile signs or painted wall signs are prohibited.
- (6) Any projecting sign which is suspended from or supported by a building or structure or steel column and projecting out therefrom over public property or beyond the lot line shall not be permitted.
- (7) Signs which obstruct any window, door or other opening used as a means of regular ingress and egress or for required legal light and ventilation or fire escapes or other openings for emergency access and escape are prohibited.
- (8) Any sign located on a public right-of-way, except those owned and operated by a duly constituted government authority, is prohibited. A public right-of-way shall be deemed to include a sidewalk, street, highway right-of-way, curb, curbstone or any

object located in such right-of-way, including a hydrant, lamp post, utility pole, fence or police or fire alarm.

- (9) Any sign using exposed incandescent bulbs or neon tubes, exposed neon tubing in mirrors directing a light source and other such devices is prohibited.
 - (10) Any sign commonly known as a "roof" or "sky" sign which is supported principally by the roof and which projects above and over the roof of the structure is not permitted.
 - (11) Any sign on a vacant or unimproved lot which does not exclusively specify the sale, lease, transfer, zone or conditional use of the particular property is prohibited.
 - (12) No strings or streamers, flags, pennants, spinners or similar devices strung across, upon, over or along any premises or building, whether as part of a sign or not, shall be allowed.
 - (13) Any sign with lighting or control mechanisms which may cause radio or television interference is prohibited.
 - (14) Signs or advertising matter of an indecent or obscene nature are prohibited.
- E. Exempt signs in all zones. The following signs are authorized in any zoning district without a permit as long as they conform to the standards contained herein.
- (1) One (1) nonflashing, nonilluminated temporary sign pertaining to the lease or sale of the same lot or building upon which it is placed, situated within the property lines and the premises to which it relates and not exceeding six (6) square feet in area on any one (1) side. The sign must be removed from the premises within two (2) days after the property has been sold.
 - (2) A sign indicating the name and or address of the occupant, provided that the sign shall be no larger than one (1) square foot in area. A permitted home occupation or professional office may be included with the name of the occupant. Only one (1) sign per principal dwelling unit is permitted, and it may not be illuminated.
 - (3) Window stickers denoting organizational affiliations, credit card availability, burglar system, pet restrictions, hours of operation, etc.
 - (4) Signs indicating the private nature of a road, driveway or premises, provided that the area of such sign shall not exceed seventy-two (72) square inches and shall not exceed three (3) feet in height.
 - (5) Signs prohibiting or otherwise controlling fishing, hunting, etc., upon particular premises, provided that the area of any such sign shall not exceed two (2) square feet.
 - (6) Special signs serving the public convenience, such as "Notary Public," "Public Rest Rooms," "Public Telephone" or words of similar import. The area of each sign shall not exceed seventy-two (72) square inches.

- (7) Nonilluminated traffic control directional signs identifying parking areas, loading zones, entrances, exits and similar locations. The signs shall not exceed two (2) square feet in area and three (3) feet in height.
- (8) Temporary signs for advertising public functions or fundraising events for charitable or religious organizations for a period of thirty (30) days prior to and during the event, but shall be removed within five (5) days after the event. The sign shall be nonilluminated, not larger than twelve (12) square feet in area, not exceeding six (6) square feet in height and may be erected flat against the building or freestanding.
- (9) Temporary nonilluminated political signs shall be removed ten (10) days after an election, provided that:
 - (a) They shall not be erected within the public right-of-way or on a utility or directional sign pole.
 - (b) Such signs shall contain the name and address of the sponsor, individual or organization.
 - (c) The Construction Official shall remove the sign after the ten-day period and impose a penalty of one dollar (\$1.) per sign against the sponsor, individual or organization.
- (10) Historical tablets, cornerstones, memorial plaques and emblems which do not exceed six (6) square feet in area and which are installed by government agencies, civic or religious organizations.
- (11) Temporary signs which are in the nature of traditional holiday or seasonal greetings or decorating not advertising a specific product service or establishment and not exceeding forty-five (45) days' duration.
- (12) Flags or emblems of religious, educational, civic or governmental organization.
- (13) Signs posted by governmental agencies or pursuant to governmental statute, order or regulation.
- (14) Signs which are an integral part of vending machines, including gasoline pumps and milk machines, provided that they do not exceed two (2) square feet in area.
- (15) Temporary window posters when posted inside commercial establishments, provided that they do not occupy more than twenty-five percent (25%) of the total area of said window.
- (16) Temporary promotional or special sales signs when erected in conjunction with a commercial establishment, provided that they do not exceed sixteen (16) square feet and they are restricted to not more than four (4) nonsuccessive seven-day periods within a calendar year.
- (17) Temporary overhead banners spanning a street or roadway advertising public functions or fundraising events for charitable or religious organizations for a period

of thirty (30) days prior to and during the event, but shall be removed within five (5) days after the event or at anytime if the sign is damaged or becomes a hazard.

- (18) Temporary construction signs located on the lot shall be removed within seven (7) days after the completion of the construction work. The total area of all such signs on a lot shall not exceed twenty-four (24) square feet and six (6) feet in height and shall not be illuminated except for construction safety lights placed in hazardous areas.

F. Sign area.

- (1) Sign area shall include all lettering, wording, coloring and accompanying designs and symbols, together with the background, whether open or enclosed, but not including any supporting framework and bracing incidental to the display itself.
- (2) A freestanding sign with two (2) exposures shall have a total sign area consisting of the area of one (1) side of the sign, but both sides may be used.
- (3) Street number designations, postal boxes, family names on residences, on-site traffic directional and parking signs, signs posting property as "private property," "no hunting" or similar purposes and "danger" signs around utility and other dangerous areas are permitted, but are not to be considered in calculating the sign area.

G. Location.

- (1) Attached signs may only be located in such a manner that does not conflict with any height, obstruction to vision and similar regulations of this chapter.
- (2) Freestanding signs shall be located only in the front yard and shall be no closer to a side lot line than the minimum side yard for the principal building, but in any event no closer than ten (10) feet from the street right-of-way or twenty (20) feet from the pavement, whichever is greater.

H. Maintenance.

- (1) All signs and displays shall be maintained in good order and repair. In the event that the Construction Official determines that any sign now or hereafter erected is in a state of disrepair, has become dilapidated or constitutes a safety hazard, the sign owner and property owner shall be given written notice to correct the conditions within twenty (20) days from the date of the mailing of the notice. Failure to correct the condition or file an appeal within the time provided shall constitute a violation of this section.
- (2) The area surrounding ground signs shall be kept neat, clean and landscaped, and the owner of the property upon which the sign is located shall be responsible for maintaining the condition of the area.

- I. Automobile service stations. Gasoline service stations and public garages, where permitted only, may display, in addition, the following signs which are deemed customary and necessary to their respective business.

- (1) Directional signs or letters displayed over individual entrance doors or bays, consisting only of the words "washing," "lubrication" or words of similar import, provided that there shall be not more than one (1) such sign over each entrance or bay. The letters thereof shall not exceed twelve (12) inches in height, and the total of each sign shall not exceed six (6) square feet.
- (2) Customary lettering on or other insignia which is a structural part of a gasoline pump, consisting of the brand name or gasoline sold, lead warning sign, a price indicator and any other sign required by law and not exceeding a total of three (3) square feet on each pump.
- (3) The use of all flags, windmills, banners and any flashing or animated signs shall be prohibited. However, the use of pennants may be utilized for the purpose of advertising the opening of a new station, but shall be restricted to a thirty-day period.
- (4) All signs or parts thereof or the supporting structures or parts thereof shall be within the owner's property line and at no time project into or over the public right-of-way.

§ 40-109. Soil erosion and sediment control.

All site plans and major subdivisions shall incorporate soil erosion and sediment control programs phased according to the scheduled progress of the development, including anticipated starting and completion dates. The purpose is to control soil erosion and sediment damages and related environmental damage by requiring adequate provisions for surface water retention and drainage and for the protection of exposed soil surfaces in order to promote the public health, safety, convenience and general welfare of the community.

A. Regulation and permits.

- (1) No building permit shall be issued for any application requiring either site plan or major subdivision approval until final plat approval has been given, including an approved soil erosion and sediment control plan.
- (2) No person shall proceed with any soil removal, soil disturbance or land grading without first having obtained either a permit for that purpose or a building permit based on an approved plat as outlined above.
- (3) A permit shall not be required under this chapter where Subsection F below applies, provided that no soil is removed from the premises involved.

B. Data required.

- (1) A plan showing the area(s) of soil removal, soil disturbance and land grading and establishing the means for controlling soil erosion and sedimentation shall be required for each site or portion of a site when developed in stages.

- (2) The soil erosion and sediment control measures shall be certified by the Soil Conservation District in the development of the plan and the selection of appropriate erosion and sediment control measures.
- (3) The plan shall be prepared by a professional engineer licensed in the State of New Jersey, except in instances where the preparation of a plan does not include or require the practice of engineering, as defined in N.J.S.A. 45:8-28, and shall contain:
 - (a) The location and description of existing natural and man-made features on and surrounding the site, including general topography and soil characteristics, and a copy of the County Soil Conservation District Soil Survey (where available).
 - (b) The location and description of the work and proposed changes to the site, including contours and spot elevations, showing existing and post-construction conditions and, in the case of soil mining, a description of the equipment to be used for any processing of the soil and the number of cubic yards of soil to be removed.
 - (c) Measures for soil erosion and sediment control.
 - (d) A schedule of the sequence of installation of planned erosion and sediment control measures as related to the progress of the project, including anticipated starting and completion dates.
 - (e) All proposed revisions of data required, to be submitted for approval.
 - (f) A description of means for maintenance or erosion and sediment control measures and facilities during and after construction.
 - (g) A performance bond as set forth in Article XIII. The bond shall be in such amount and for such period of time as determined by the governing body.

C. General design principles.

- (1) Control measures shall apply to all aspects of the proposed land disturbances and shall be in operation during all stages of the disturbance activity. The following principles shall apply to the soil erosion and sediment control plan:
 - (a) Stripping of vegetation, grading or other soil disturbance shall be done in a manner which will minimize soil erosion.
 - (b) Whenever feasible, natural vegetation shall be retained and protected.
 - (c) The extent of the disturbed area and the duration of its exposure shall be kept within practical limits.
 - (d) Either temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during construction or other land disturbances.

- (e) Drainage provisions, shall accommodate increased runoff resulting from modified soil and surface conditions during and after development or land disturbance.
 - (f) Water runoff shall be minimized and retained on site wherever possible to facilitate groundwater recharge.
 - (g) Sediment shall be retained on site.
 - (h) Diversions, sediment basins and similar required structures shall be installed prior to any on-site grading or land disturbance.
- (2) Grading and filling. All lots where fill material is deposited shall have clean fill and/or topsoil deposited which shall be graded to allow complete surface draining of the lot into local storm sewer systems or natural drainage courses. No regrading of a lot shall be permitted which would create or aggravate water stagnation or a drainage problem on site or on adjacent properties or which will violate this chapter. Grading shall be limited to areas shown on an approved site plan or subdivision. Any topsoil disturbed during approved excavation and grading operations shall be redistributed throughout the site.
- (3) Soil removal and redistribution. Excavation of soil other than as required for the construction of approved structures and supporting facilities, such as but not limited to streets, driveways and parking areas, shall be prohibited. Regrading of property so as to redistribute topsoil throughout the site from areas excavated shall be done in the following manner to minimize or eliminate the erosion of soil. Any application proposing the disturbance of more than five thousand (5,000) square feet of surface area of land, as defined in the Soil Erosion and Sediment Control Act (c. 251, P.L. 1975³⁴), shall include on its plan the following: the means to control or prevent erosion; providing for sedimentation basin(s) for soil that does erode due to water; controlling drainage, dust and mud on the premises as well as abutting lands; preserving soil fertility and the ability of the area to support plant and tree growth by maintenance of adequate topsoil consisting of at least six (6) inches of the original layer; maintaining necessary lateral support and grades of abutting lands, structures and other improvements; preventing pits and declivities which are hazardous or which provide insect breeding locations; and not altering the physical limitations and characteristics of the soil in such a way as to prevent the use to which the land may lawfully be put.
- D. Maintenance. All erosion and sediment control measures installed shall be maintained for one (1) year after completion of the improvements or until such measures are permanently stabilized as determined by the Municipal Engineer, whichever is longer. The Municipal Engineer shall give the applicant, upon the applicant's request, certification of this determination.
- E. Engineer report and public hearing. If no subdivision or site plan review is required, a separate report by the Municipal Engineer shall be obtained. The Municipal Engineer shall make a report on the application within thirty (30) days of its receipt. The report

34. Editor's Note: See N.J.S.A. 4:24-39 et seq.

shall comment upon all the requirements of this section, including but not limited to soil characteristics, slopes, quantities of soil involved, water table, drainage, road capacities, performance bonds and the utility of the site following completion of the operation. All applications shall require a public hearing as set forth in Article III.

F. Exemptions. The following activities are specifically exempt from the soil erosion and sediment control provisions:

- (1) Land disturbance associated with the construction of a single-family dwelling unit, unless such unit is a part of a proposed subdivision, site plan, zoning variance or building permit application involving two (2) or more such single-family dwelling units.
- (2) Land disturbances of five thousand (5,000) square feet or less of the surface area of land for the accommodation of construction for which the Standard Building Code of the State of New Jersey would require a building permit.
- (3) Agricultural use of lands when operated in accordance with a farm conservation plan approved by the local Soil Conservation District or when it is determined by the local Soil Conservation District that such use will not cause excessive erosion and sedimentation.
- (4) Use of land for gardening primarily for home consumption.
- (5) Percolation tests and/or soil borings.

✓ § 40-110. Swimming pools.

- A. No private residential swimming pool, including both permanent and portable swimming pools and wading pools, shall be installed on any lot unless said lot shall contain a residence and said pool shall be accessory to the residence. The pool shall be located only to the rear of the front building line setback and shall be no closer than ten (10) feet from a side or rear lot line. For the purpose of this section, a pool may be installed at a residential dwelling located on a corner lot, and the rear yard shall be deemed that portion of the property to the rear of the residence, but, in all other respects, the lot shall satisfy the requirements of corner lots established in this chapter.
- B. A pool shall occupy no more than the equivalent of fifty percent (50%) of the yard area in which it is located. For purposes of calculating the area of a pool, the area shall include the water surface, the patio adjoining the pool, accessory building(s) related to the pool facilities and any pumping, circulation and other mechanical equipment required to operate the pool.
- C. The yard area or portion of the yard area in which the pool is located shall be completely enclosed with fencing four (4) feet in height with a gate and self-closing latch at least five (5) feet from the pool in order to deny accidental access to the pool. The fence will be so constructed as not to have opening holes or gaps larger than two (2) inches in dimension, except for doors or gates, and, if a picket fence or fence of other construction is erected or maintained, the horizontal dimension shall not exceed two and one-half (2 1/2) inches. The pool shall be entirely enclosed by said fence. For the purposes of this

section, a wall of the main structure may be considered a part of the fence. All gates used in conjunction with the fence or wall shall meet the same specifications as the fence or wall itself and shall be equipped with approved locking and latching devices and shall be locked at all times when the private swimming pool or wading pool is not in use or when said private swimming pool or wading pool is not being supervised.

- D. The pool may be lighted by either underwater or exterior lights, provided that all exterior lights are located so that the light is neither directed nor reflected upon adjacent properties. All freestanding standards used for exterior lighting shall be no closer to the edge of the pool than its height.

§ 40-111. Trailers.

A. No trailer, auto trailer, trailer coach, travel trailer or camper shall be used for dwelling purposes or as sleeping quarters for one (1) or more persons, nor shall any such trailer or camper be used for storage or space for the permanent conduct of any business, profession, occupation or trade, except that such facilities may be used for temporary residency as the temporary replacement of a damaged dwelling unit and for temporary use as a construction office located on a site during construction or for a sales office subject to Planning Board/Zoning Board of Adjustment approval, provided that a temporary permit has been issued for its use by the Building Inspector. This section shall not be construed so as to prohibit the parking or storage of such trailers and campers on private premises, but such storage shall be located to conform to the yard requirements for an accessory building.

B. Temporary uses.

- (1) "Temporary," for purposes of residential occupancy, shall mean ninety (90) days, with an option to extend for one (1) additional ninety-day period.
- (2) "Temporary," for use as a model home and/or construction office, shall mean occupancy during the time of construction.
- (3) Any temporary office shall be removed within fifteen (15) days of issuance of the certificate of occupancy for the last unit or within fifteen (15) days of cessation of construction activity.
- (4) The maximum allowable time period for a permitted temporary structure or use shall be set at one (1) year.

§ 40-112. Yards.

A. No open space provided around any principal building for the purpose of complying with front, side or rear yard provisions shall be considered as providing the yard provisions of another principal building. On a lot which extends through a block in a manner resulting in frontage on two (2) or more streets, including corner lots, front yard requirements shall be complied with on all street frontages.

- B. No front yard shall be used for open storage of boats, vehicles or any other equipment, including parking on driveways, except in the instance of a maximum twelve-foot wide driveway directly leading to a garage, carport, etc., for the parking of a passenger vehicle.

§ 40-113. Inspection, materials, testing and costs.

- A. All improvements, except electric, gas, private utility lines and telephone lines, shall be subject to the inspection and approval of the Municipal Engineer, and the Utilities Department shall do its own inspection.
- B. The office of the Municipal Engineer shall be notified, in writing, at least seventy-two (72) hours prior to commencement of any phase of the project.
- C. No underground installation shall be covered until inspected and approved by the Municipal Engineer.
- D. Where, in the opinion of the Municipal Engineer, materials shall be tested for conformance with specifications, the property owner or developer (in the case of a subdivision) shall be responsible for all costs charged by the testing agency selected by the Municipal Engineer.
- E. In the case of a major subdivision or major site plan, the developer shall pay all inspection fees. Inspection fees shall be as contained in Article IX, § 40-51, and shall be deposited with the Municipal Clerk in the form of cash or certified check to cover the costs of inspections.
- F. Inspections shall be made by the Municipal Engineer at the following times as a minimum. The developer shall be responsible for notifying, in writing, the Municipal Engineer's office at least 24 hours in advance of each of the following stages or phases of each stage:
- (1) Site clearing.
 - (2) Storm drains and appurtenances.
 - (a) Prior to laying pipe.
 - (b) Prior to installation of manholes and inlets.
 - (c) Prior to backfilling.
 - (3) Grading.
 - (a) Prior to rough grading.
 - (b) After rough grading.
 - (c) After fine grading.
 - (4) Curb and sidewalk.

- (a) After forming subgrade and prior to setting forms.
 - (b) After setting forms and prior to pouring concrete.
 - (c) While pouring concrete (inspector shall be present).
- (5) Areas to be paved.
- (a) After forming subgrade and prior to laying base or subbase.
 - (b) After laying base or subbase and prior to laying top course.
 - (c) Prior to laying top course (inspector shall be present).
- (6) Landscaping.
- (a) Prior to installation of trees and shrubs.
 - (b) Prior to sowing grass seed.
- G. Changes in plans; final approval.
- (1) No minor changes can be made to the approved site plan unless granted, in writing, by the Municipal Engineer. Any major changes may necessitate another review by the Planning Board/Zoning Board of Adjustment.
 - (2) Final approval by the Municipal Engineer will not be given until the project is 100% completed, inspected and certified, in writing, by the Municipal Engineer that the project has been built in accordance with the plans and specifications of the approved project.

§ 40-114. As-built plans.

- A. Prior to the acceptance by the municipality of any improvement in a subdivision and/or where the extension of municipal utilities was required by the Board or governing body and the release of a performance guaranty covering the same, there shall be filed with the Municipal Engineer one cloth-backed, plus one transparency on cloth, plus five prints of as-built plans and profiles drawn to a suitable scale. Such drawings shall show how the improvements were actually constructed and installed and be certified as to accuracy.
- B. Whenever, in the opinion of the Municipal Engineer, as-built plans are required for improvements other than subdivisions, this shall be made a condition of approval and included in the resolution. The specific requirements of the as-built plans shall be provided, in writing, by the Municipal Engineer.

§ 40-114.1. (Reserved)

§ 40-114.2. Senior citizen housing in Light Industrial Zone. [Added 4-26-1995 by Ord. No. 8-1995]

A. Senior citizen housing is permitted as a conditional use in the multistory buildings situated on Lot 1 in Block 17 and Lot 1 in Block 19, which are zoned light industrial, upon a showing that such use shall comply with the conditions and standards for such use as contained therein and upon approval by the Planning Board of the Borough. Such senior citizen housing shall provide that at least one person over the age of 55 shall be a permanent resident in at least 80% of all homes within the community in which the residential property, residential related open space and recreation facilities are all owned by a mutual nonprofit corporation, or corporations, established pursuant to the law of the State of New Jersey and also governed by Section 213 of Title II of the Federal Fair Housing Act, as amended, or provisions of a similar or comparable nature or by individuals, condominium association or other entities, all of which shall have rules and regulations controlling the development in conformance with the minimum standards set forth below:

- (1) Minimum tract area: 10 acres. Adjacent lots separated by public right-of-way shall be included in total tract area.
- (2) Maximum gross site density: 25 dwelling units per acre.
- (3) Minimum lot width: 200 feet.
- (4) Minimum lot depth: 500 feet.
- (5) Minimum building setbacks to any exterior property line excluding preexisting structures: 50 feet.
- (6) Maximum impervious lot coverage: 70%.
- (7) Minimum open space or landscaped area: 30%.
- (8) Maximum height: 7 stories or 70 feet.
- (9) Minimum off-street parking: 0.5 space per dwelling unit.
- (10) Community room floor area shall be provided at the rate of 10 square feet per dwelling unit.
- (11) Minimum landscaped buffer area adjoining existing adjacent land uses: 25 feet wide.
- (12) Minimum developed recreation area: A minimum of 10% of the required open space area shall provide improved active recreation facilities. A minimum of 10% of the required open space area shall provide for improved passive recreation facilities.
- (13) Dwelling units shall have the following minimum gross floor area:
 - (a) One bedroom: 600 square feet.
 - (b) Two bedrooms: 800 square feet.

- (14) (Reserved)³⁵
- (15) Medical facilities: There shall be a minimum of 500 square feet of floor area provided to allow for the provision of all medical facilities, including first aid and periodic visits by one or more members of the medical profession and/or for consultation/treatment of residents for the retirement community as required by any applicable federal, state or local regulations. Direct exterior access shall be designed to convenient on-site loading space area for emergency vehicles to the medical suite.
- (16) Management and administrative office space servicing only the senior citizen housing complex shall be permitted:
- (a) Office area shall not exceed 1,000 square feet of gross floor area.
 - (b) Off-street parking for any office component shall be calculated and provided in addition to all other parking requirements at the rate of one space per each 300 square feet of office area.
 - (c) No signage shall be permitted for any office occupancy of the senior citizen housing project.
- (17) Lighting standards for outdoor parking areas shall be a maximum 20 feet high and shall be reflected away from windows of the dwelling units and from any nearby residences in order to minimize the impact of such lighting on the residents in the dwelling units.
- (18) No dwelling units shall be permitted in any basement area.
- (19) Not less than two coin-operated laundry washing and drying machines shall be located on each floor of each building in adequate number for the sole use of the occupants.
- (20) A minimum of 500 square feet shall be provided for building and grounds maintenance and repair shop with storage.
- (21) All units constructed shall be designed to accommodate a barrier-free life-style and shall comply with all applicable federal and state minimum design standards for barrier-free dwelling units, pursuant to the Americans with Disabilities Act.
- (22) Alarm switches shall be installed in each dwelling unit to summon aid in an emergency. The switches shall be located at least in the bedroom and bathroom. The switches shall be connected to illuminate an audio and visual signal in a central location.
- (23) Storage space. A minimum of 80 square feet of gross floor area of storage space shall be provided within the floor plan design of each senior dwelling unit.

35. Editor's Note: Former § 40-114.2A(14), Affordability, was repealed 7-12-1995 by Ord. No. 16-1995 and 8-23-1995 by Ord. No. 18-1995. See now Ch. 17A, Affordable Housing, of the Code of the Borough of Helmetta.

- (24) The size and arrangement of bathrooms and fixtures therein shall be adequate for the convenient use of older persons. The floor finish shall be impervious to water, have nonslip characteristics and slope inward. All plumbing fixtures, accessories and trim shall be selected for and provide the maximum contribution to the safety, convenience and aid to older persons. Grab bars shall be provided beside toilets and in bathtubs and/or shower stalls. Shower stalls will include a built-in seat or bench or sufficient space for a bath stool.
- (25) Security: The entire senior housing project shall be provided with a security system and physical security measures designed pursuant to the review and written approval of the Borough Police Department.
- (26) The entire senior housing project and each individual senior dwelling unit shall be provided with a fire alarm system sensitive to the presence of both heat and smoke designed pursuant to the review and written approval of the Borough Fire Chief and Borough Fire Subcode Official.
- (27) A maximum of 10% of the total number of units to be developed may be two-bedroom units, providing a minimum of 800 square feet gross floor area. The bedroom distribution for low- and moderate-income units shall comply with the rules and procedures (N.J.A.C. 5:93-1 et seq. and all subsequent amendments and revisions thereto) promulgated by the New Jersey Council on Affordable Housing.
- (28) Nonprofit recreational, cultural and community facilities for the use of the residents of the senior housing project and their guests may be permitted, including but not limited to community multipurpose room, dining room, kitchen, lobby-sitting areas, library, tenants/occupants office area, indoor recreation activities, exterior active and passive recreation areas, picnic areas, etc.
- (29) Each elevator designed to serve residential units shall be sized to accommodate the dimensions of a portable stretcher unit utilized by the responding emergency services agency and subject to their review and approval.
- (30) Convenience retail component: In addition to the senior citizen residential component, the senior housing project may include:
 - (a) Five percent of the gross floor area may be developed for on-site convenience retail uses, such as but not limited to:
 - [1] Drugstore.
 - [2] Flower shop.
 - [3] Barber and/or beauty shop.
 - [4] Dry-cleaning and/or tailor shop.
 - [5] Newspaper/tobacco/confectionary.
 - [6] Shoe repair.
 - [7] Handicraft, arts, music sales.

- [8] Gift shop.
- (b) Off-street parking for any retail component shall be calculated and provided in addition to all other parking requirements at the rate of one space for each 200 square feet of gross floor area.
- (c) No interior or exterior signage shall be permitted for any retail occupancies of the senior citizen housing project.
- B. The bulk requirements for this district or zone shall, in addition to the requirements set forth herein, also be governed where applicable by Chapter 17A of the Code of the Borough of Helmetta entitled "Affordable Housing." [Added 7-12-1995 by Ord. No. 16-1995; amended 8-23-1995 by Ord. No. 18-1995]

ARTICLE XV
Engineering Design Standards

§ 40-115. Streets and sidewalks.

A. General requirements.

- (1) Classifications of streets. In any major subdivision or site plan, it shall be the duty of the approving board to classify proposed streets according to their types. In making a determination as to the classification of a particular street, the Planning Board shall take into consideration the provisions of the Master Plan and the existing and proposed conditions within the subdivision.
- (2) Topography and arrangement.
- (a) Roads shall be related appropriately to the topography. Local roads shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these regulations.
- (b) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated right-of-way as established on the Official Map and/or Master Plan. All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches and shopping centers, to population densities and to the pattern of existing and proposed land uses.
- (c) Minor or local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems and to require the minimum number of streets necessary to provide convenient and safe access to property.

- (d) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs or U-shaped streets shall be encouraged where such use will result in a more desirable layout.
 - (e) Proposed streets shall be extended to the boundary lines of the tract to be subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the approving board, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development or adjacent tracts.
 - (f) In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, the location of rail facilities and the provision of alleys, truck-loading and maneuvering areas and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
- (3) Blocks.
- (a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads or waterways.
 - (b) The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed one thousand two hundred (1,200) feet or twelve (12) times the minimum lot width required in the zoning district, nor be less than four hundred (400) feet in length.
 - (c) In long blocks, the approving board may require the reservation of an easement through the block to accommodate utilities, drainage facilities or pedestrian traffic.
 - (d) Pedestrianways or crosswalks, not less than ten (10) feet wide, may be required by the approving board through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the approving board for prospective use.
- (4) Lots abutting minor and major arterials. In a subdivision or site plan abutting arterial and major roads, one (1) of the following shall be required:
- (a) A marginal service road shall be provided along such arterial or major road and shall be separated from it by a raised divider strip at least eight (8) feet in width.
 - (b) The frontage shall be reversed so that the less contiguous to such arterial or major roads will front on an internal street, with a buffer strip at least fifty (50) feet in width for planting provided along the arterial or major road.

- (c) Such other means of separating through and local traffic and of providing a suitable buffer shall be provided as the Planning Board may determine to be appropriate.
- (5) Street names. Street names and subdivision names shall not duplicate or nearly duplicate the names of existing streets or subdivisions in the Borough or surrounding communities and shall be subject to the approval of the Borough Council. The continuation of an existing street shall have the same name.
- (6) Construction of roads and dead-end roads.
- (a) Construction of roads. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, for effective fire protection, for efficient provision of utilities and where such continuation is in accordance with the Master Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line.
- (b) A temporary T- or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The approving board may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.
- (c) Dead-end roads (permanent). Where a road does not extend the boundary of the subdivision and its continuation is not required by the approving board for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the approving board may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with the construction standards and specifications. For greater convenience to traffic and more effective policy and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards of these regulations.
- B. Design standards. In order to provide for roads of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, fire-fighting, snow removal, sanitation and road-maintenance equipment and to coordinate roads so as to compose a convenient system and avoid undue hardship to adjoining properties, the following design standards for roads are hereby required (road classification may be indicated on the Master Plan or Official Map; otherwise, it shall be determined by the approving board).³⁶

36. Editor's Note: The Schedule of Street Dimensions is included at the end of this chapter.

(1) Street intersections.

- (a) Angle of intersections. No more than two (2) streets shall cross the same point. Street intersections shall be at right angles wherever possible and intersections of less than sixty degrees (60°), measured at the center line of streets, shall not be permitted.
- (b) Spacing. Only one (1) point of ingress and egress may be allowed each lot, except where the lot has a road frontage of at least two hundred (200) feet.
- (c) Approaches. Approaches of any collector street to any intersection of another collector street or a major street shall follow a straight-line course within one hundred (100) feet of the intersection.
- (d) Extra widths. Where a nonresidential collector or a collector street serving more than one hundred (100) lots intersects with another collector street or a major street, both the right-of-way and the pavement shall be widened by twenty-four (24) feet for a distance of two hundred (200) feet back from the intersection of the center lines of both streets.
- (e) Sight triangles. In addition to right-of-way widths required for full length of streets and wider intersections as specified above, easements for sight rights at intersections in the shape of triangles and in a form approved by the approving board attorney shall be dedicated to cover the area bounded by the right-of-way lines and a straight line connecting sight points on the street center lines which are the following distances from the intersection of the center lines.
 - [1] Where a minor street intersects another minor street: ninety (90) feet.
 - [2] Where a minor street intersects a collector street: ninety (90) feet on the minor street and two hundred (200) feet on the collector street.
 - [3] Where a minor street or a collector street intersects an arterial, major or secondary street: ninety (90) feet on the minor street or collector street and three hundred (300) feet on the arterial, major or secondary streets.

C. Sidewalks.

- (1) Sidewalks shall be included within the dedicated nonpavement right-of-way of all roads as shown in the following schedule:

Type of Street	Residential	Nonresidential Business/Industrial
Cul-de-sac	---	Both sides
Minor street	---	Both sides
Collector street	1 side	Both sides
Minor arterial	1 side	Both sides

Type of Street	Residential	Nonresidential Business/Industrial
Major arterial	Discretionary with approving board	Discretionary with approving board

NOTE: These standards shall be construed as minimum requirements; the approving board may, at its discretion, apply more stringent standards.

- (2) One-family dwellings less than five hundred (500) feet distant from an existing sidewalk on the same side of the street shall be required to have a sidewalk constructed along its entire street frontage prior to the issuance of a certificate of occupancy.
- (3) Pedestrian accesses. The approving board may require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

§ 40-116. Off-street parking and loading.

A. General provisions. All off-street parking, loading and driveways shall conform to the standards of this section.

- (1) Dimensions. Each off-street parking space shall consist of a rectangular area whose dimensions should be defined by the following standards:

Stall Angle (degrees)	Stall Width	Curb Length per Car	Stall Depth	Driveway Width
0	10'0"	23'0"	10'0"	12'0"
30	10'0"	20'0"	18'3"	11'0"
45	10'0"	14'2"	20'6"	13'0"
60	10'0"	11'6"	20'6"	18'0"
90	10'0"	10'0"	20'0"	24'0"

- (2) Location. Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve. Parking facilities may be located in any yard space except where specifically prohibited, but shall not be closer than twenty (20) feet from any pavement line and five (5) feet from any side yard or rear yard property line.
- (3) Separation from walkways and streets. Off-street parking spaces shall be separated from walkways, sidewalks, streets or alleys by a wall, fence or curbing or other approved protective device or by distance so that vehicles cannot protrude over publicly owned areas.

- (4) Entrances and exits. Not more than two (2) driveways of not less than twenty (20) feet or more than thirty (30) feet in width for means of ingress and egress for such parking areas shall be permitted for each three hundred (300) feet in frontage upon a public street. No driveway shall be located closer than one hundred (100) feet from the intersection of two (2) public streets. Acceleration and deceleration lanes shall be provided.
- (5) Drainage and grade. Each parking space shall consist of a suitably graded, drained and unobstructed rectangular area in the plane of which no straight line shall have a grade less than one-half percent (1/2%) or in excess of six percent (6%).
- (6) Surface and marking. Parking areas shall be surfaced with bituminous concrete or concrete pavement, the design of which shall be approved by the Borough Engineer, and clearly marked by painted lines or curbs or other means to indicate individual parking spaces. These provisions shall not apply to the construction of single-family dwellings unless they are part of a major subdivision.
- (7) Lighting. Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged and installed to minimize glare on property in a residential district.

B. Parking islands.

- (1) Location. Islands shall be located at both ends of each parking row. Intermediate islands shall be installed within each parking row whenever there are more than twenty (20) parking spaces in the row and subsequently shall be constructed whenever more than ten (10) parking spaces are intervening in that parking row. Islands constructed as channeling traffic flow within the parking lot shall also be landscaped.
- (2) Construction criteria.
 - (a) Planting beds shall have a minimum width of five (5) feet, unless a more stringent requirement is indicated elsewhere in the chapter.
 - (b) Whenever planted material is likely to interfere with vehicular parking, island width shall be increased by two (2) feet and that area covered with mulch.
 - (c) Single-island parking length shall be a minimum of nineteen (19) feet and double-island parking length shall be a minimum of thirty-eight (38) feet to protect the vehicles parked in each parking row.
 - (d) All planting islands shall be enclosed by a poured concrete curbing meeting the Borough engineering standards.
 - (e) Curb return radii adjacent to traffic flow shall be a minimum of five (5) feet.
 - (f) Proper sight distance should be provided at the intersections of ingress and egress driveways by establishing sight triangles in accordance with the current Borough standard specifications. Within these sight triangles,

plantings should be restricted to low-spreading varieties of plants and shrubs of not more than eighteen (18) inches in height at maturity.

C. Pavement specifications.

- (1) All underground utilities, drains or other facilities located within the roadway portion of the street shall be installed prior to the placing of any road surfacing material.
- (2) The subbase for road construction shall be brought to a firm unyielding surface by rolling the entire area with an approved three-wheel power roller weighing not less than ten (10) tons. All soft and yielding material and other portions of the subgrade which do not attain the required stability or will not compact readily when rolled or tamped shall be removed. All loose rock or boulders found in the earth excavation shall be removed or broken off to a depth of not less than six (6) inches below the surface of the subgrade. All holes or depressions made by the removal of material shall be filled and the whole surface compacted uniformly. When subbase material is needed to replace unsuitable subgrade material, it shall consist of sand, gravel, stone or such other material as may be required by the Borough Engineer.
- (3) Where, in the opinion of the Borough Engineer, subbase conditions of proposed streets are wet or springy or of such other nature that surfacing would be inadequate without first treating the subbase, the minimum treatment of the subbase shall be as follows: the street shall be excavated to a minimum depth of twenty (20) inches below the proposed finished grade; and sand, gravel or stone shall be placed in the excavation in accordance with good construction practice and shall be thoroughly compacted. After the subbase material has been properly placed and compacted to ninety-five percent (95%) of its modified proctor density and approved by the Borough Engineer, the street surfacing material and base shall be spread thereon.
- (4) After the subbase has been thoroughly compacted to ninety-five percent (95%) of its modified proctor density and approved by the Borough Engineer, a minimum of six (6) inches of hot bituminous stabilized base course shall be installed in two (2) three-inch lifts in all minor roads in accordance with the latest requirements of the New Jersey State Highway Department Standard Specifications for Road and Bridge Construction. The Borough Engineer may permit installation of one (1) six-inch lift if conditions warrant. The thickness of the base course shall be increased as deemed necessary by the Borough Engineer, depending on anticipated traffic and soil conditions for roads other than minor and local roads. The base course for the entire road or large section thereof shall be installed as soon as possible to afford access to the site and shall be installed prior to issuing certificates of occupancy for any house fronting the same.
- (5) Road surface wearing course.
 - (a) The road surface pavement course shall be hot Type FABC-1 of SM-1 bituminous concrete surface course and shall be manufactured and installed in accordance with the New Jersey State Highway Department Standards for

Road and Bridge Construction (latest revision). The required minimum thickness shall be one and one-half (1 1/2) inches for all minor streets with sound and stable base. For collector roads or other streets, the minimum thickness shall be two (2) inches.

- (b) The wearing surface shall not be permitted to be installed until all major construction is completed, all curbs and sidewalks repaired, all base pavement repairs are made in accordance with the direction of the Borough Engineer, all low spots are brought to grade with leveling wedges, all manhole and inlet castings are grouted and the road is approved for paving by the Borough Engineer. The last two (2) certificates of occupancy shall not be issued until the paving is completed, unless waived by the Borough.
- (6) Development along existing streets.
- (a) Where existing streets are to be excavated for curbs, utilities extension or other purposes, trenches shall be backfilled and pavement replacement shall be in accordance with this chapter, except where existing pavement is reinforced concrete, in which case, pavement or replacement shall be reinforced concrete in accordance with the requirements of the Borough Engineer.
 - (b) After completion of all pavement, excavations, curbing and utility installations in existing streets, the pavement base shall be replaced as specified in this section, and the roadway shall be overlaid with one and one-half (1 1/2) inches of bituminous concrete surface overlay along the entire frontage to the center line of the roadway if deemed necessary by the Borough Engineer.
- (7) All off-street parking areas and loading/unloading areas shall be surfaced with bituminous concrete pavement of the following thicknesses:
- (a) Individual residential driveways shall be paved with two and one-half (2 1/2) inches FABC-1 over four (4) inches of quarry process stone and bearing on a suitable subgrade.
 - (b) Light traffic areas and car parking stalls shall be paved with one and one-half (1 1/2) inches FABC-1 over three (3) inches bituminous stabilized base course bearing on a suitable compacted subgrade approved by the Borough Engineer.
 - (c) Moderate traffic areas for single-unit trucks shall be paved with two (2) inches FABC-1 over four (4) inches bituminous stabilized base course bearing on a compaction subgrade approved by the Borough Engineer.
 - (d) Heavy industrial traffic areas used by large truck units shall be paved with two (2) inches FABC-1 over six (6) inches bituminous stabilized base course bearing on a suitable compacted subgrade approved by the Borough Engineer.

- (e) The finished pavement for off-street parking areas shall be suitably graded and drained with a minimum grade of five-tenths percent (0.5%) and a maximum grade of six percent (6%). All such areas shall at all times be maintained at the expense of the owners thereof.

§ 40-117. Tree removal and woodland protection.

A. Purpose and scope.

- (1) The purpose of this section is to generally reduce the demands upon natural resources from land development which have had the effect of encroaching upon despoiling or eliminating many of the trees and other forms of vegetation and natural resources and processes associated therewith. It is specifically intended to accomplish the following purposes:

- (a) To provide for protection, preservation and proper maintenance and use of trees and woodlands located in this Borough in order to minimize disturbance to them and to prevent damage from erosion and siltation, a loss of wildlife and vegetation and/or from the destruction of the natural habitat.
- (b) To protect the woodlands (including trees and other forms of vegetation in this Borough) for their economic support of local property values when allowed to remain uncleared and/or unharvested and for their natural beauty, wilderness character or geological, ecological or historical significance.

- (2) All subdivisions, site development plans and planned development applications shall conform to the provisions of this section.

B. Definitions. The following definitions shall apply in the interpretation and enforcement of this section unless otherwise specifically stated:

SHRUB — Native laurel (*Kalmia latifolia*) having a root crown of three (3) inches or greater measured at the soil of surface level.

TREE — Any living tree having a trunk of a diameter greater than four (4) inches D.B.H. (diameter breast high) or any living dogwood (*Cornus florida*) or american holly (*Ilex opaca*) tree having a diameter of one (1) inch or greater D.B.H.

TREE REMOVAL — Any act which causes a tree to die within a period of two (2) years, including but not limited to damage inflicted upon the root system by machinery, storage of materials and soil compaction, changing the natural grade above the root system or around the trunk; damage inflicted on the tree permitting infection or pest infestation; or excessive pruning, paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the tree.

C. Requirements for approved activity.

- (1) General: private lands. No destruction, cutting or removal of any trees or shrubs, as herein defined, shall be undertaken in the Borough of Helmetta until a land disturbance permit has been issued by the Borough Construction Official, unless

the activity is exempt from the requirements of this section or unless the Borough Construction Official has granted a waiver pursuant to the provisions of the appropriate section of this chapter.

- (2) General public highways. No person, firm or corporation shall do or cause to be done any of the following acts upon a public highway or within a right-of-way within the Borough of Helmetta unless a land disturbance permit has been issued by the Borough Construction Official:
 - (a) Cut, trim, break, climb with spikes, disturb the roots of or otherwise injure or spray with any chemical or remove any living tree or shrub or injure, misuse or remove any structure or device placed to support or protect such tree or shrub.
 - (b) Plant any tree or shrub.
 - (c) Fasten any rope, wire, electric attachment, sign or other device to a tree or shrub or to any guard about such tree or shrub.
 - (d) Close or obstruct any open space provided about the base of a tree or shrub to permit the access of air, water or fertilizer to the roots of such tree or shrub.
 - (e) Hitch or fasten any animal to any tree or shrub upon a public highway or to any guard or support provided for the same or permit any animal to bite or otherwise injure any such tree or shrub.
 - (f) Pile any building material or make any mortar or cement within six (6) feet of a tree or shrub.
 - (g) Permit any brine, gas or injurious chemical to come in contact with the stem or roots of any tree or shrub upon a public highway.
- (3) Exemptions. The following activities are specifically exempt from this section:
 - (a) Lots of two (2) acres or fewer upon which a resident already resides and not located within a major subdivision or planned development currently under development.
 - (b) Land from which the removal of trees is necessary for agricultural use.
 - (c) Any tree grown on property actually being used as a nursery, garden center, Christmas tree plantation or orchard.
 - (d) Any tree growing on land actually being used for sanitary landfill operation.
 - (e) The removal or trimming of dead, deceased and/or damaged trees or other woody vegetation, provided that the damage resulted from a nonhuman cause; and provided, further, that the removal or trimming is accomplished through the required standard forestry practices and techniques.

D. Applications.

√ (1) Submission of applications.

- √ (a) Every applicant shall, prior to the removal of trees, as defined herein, submit to the Construction Official an application for a land disturbance permit, as herein provided, unless the application is made in conjunction with a subdivision, site plan or planned development, in which case Article XI shall be followed.
- √ (b) The Construction Official shall examine the application and plot plan to determine, within a reasonable time after filing, as closely as possible whether, in his opinion, it meets with the requirements of this section. He shall inspect the site to determine whether the cutting, removal or destruction of said trees shall impair the drainage conditions, create soil erosion, increase the dust or deteriorate the property value and shall further determine the overall effects on the physical and aesthetic value of the land.
- √ (c) The Construction Official shall take no action until reports have been received from the Environmental Commission or the Borough Engineer. However, in no case shall the Construction Official delay more than thirty (30) days after receipt of an application to approve or deny the requested permit. In the event that the Construction Official shall deny a permit, he shall specify to the applicant, in writing, the reason for this action. If no final action with respect to the application is taken within the required thirty (30) days, the application shall be deemed to have been approved.

(2) Waiver of plans or requirements.

- (a) The Borough Construction Official may waive any or all of the requirements herein for any tree removal activity upon his written finding that there is no apparent danger to the environment and related natural resources as determined in light of the standards of Subsection E herein.
- (b) In the event that the applicant also requires approval of a subdivision, site development plan or planned development, the applicant need only file one (1) copy of the land disturbance permit application and one (1) print of the subdivision plat or site development plan with the Construction Official for filing purposes only.

E. Standards for tree removal and woodland protection.

- (1) General protection standards. The following principles shall apply as a basis for determining permitted removal:
 - (a) The preservation of woodlands, trees, similar wood vegetation and related natural resources and values shall take priority over all forms of development where there are location alternatives.
 - (b) Residential living units shall blend into the natural setting of the landscape for the enhancement of sound orderly economic growth and development and for the protection values in the Borough.

- (c) No application shall be denied solely on the basis that some trees are growing on the private or public property under consideration.
- (d) The burden of demonstrating that there are no feasible and prudent alternatives to the development proposed in a permit application under this section shall be on the applicant.

§ 40-118. Landscaping.

- A. Purpose and scope. The purpose of this section is to provide proper guidelines and specifications for landscaping of all residential, commercial and industrial development. "Landscaping" shall be defined as the means of improving the aesthetic value of a project or project sites through the use of grass, ground covers, plantings, shrubs and trees in a coherent manner consistent with good design practices. It is specifically intended to accomplish the following purposes:
- (1) To improve the aesthetics of a building site by blending together various unrelated elements into a harmonious whole.
 - (2) To reduce air and sound pollution, to regulate solar radiation and wind control and to provide flood control.
 - (3) To influence the type and speed of pedestrian and vehicular traffic flow.
 - (4) To reduce visual discomfort by screening out glare and reflection.
 - (5) To stabilize soils by preventing soil erosion and otherwise restore a building site to a balanced environment wherever a project causes excessive removal of existing vegetation.
- B. Definitions. The following definitions shall apply in the interpretation of this section unless otherwise specifically stated.

BERM — A mound of soil on a site used as a view; construction, either natural or man-made.

BUFFER — An area within a property or site generally adjacent to a parallel with the property line, consisting of either natural existing vegetation or created by the use of trees, shrubs, fences and/or berms designed to continuously limit view of the site from adjacent sites or properties.

CALIBER — The diameter of a tree trunk measured in inches, six (6) inches above ground level for trees up to four (4) inches in diameter and measured twelve (12) inches above ground level for trees over four (4) inches in diameter.

CHEMICAL PREEMERGENCE NONSELECTIVE HERBICIDE — A chemical compound, dry or liquid, which kills or permanently inhibits the germination of plant seeds but has no effect on existing plant material or plants installed after application of such compound when used according to directions.

DECIDUOUS TREES — Plants that drop leaves before becoming dormant in winter; not evergreen.

GROUND COVER — Low-growing plants or sod that in time form a dense mat covering the area in which they are planted, preventing the growth of unwanted plants while holding the soil in place; examples are: rose species, Ajuga species, Cotoneaster species, Euonymus species, ivy species, juniper species, honeysuckle species, Pachysandra species, vine species and sod.

LANDSCAPE — The total area of a site or property excluding the area occupied by building(s), but including other structures; the harmonious blending of those building(s) and structures within the site and with adjacent property by the use of the existing topography or alternations to the existing topography trees, shrubs, ground cover and/or mulches.

MULCH — Any covering placed on soil to conserve moisture, eliminate weed growth and protect plants from extremes of heat and cold.

SCREEN — A structure of planting providing a continuous view obstruction within the site or property, consisting of fencing, berms and/or evergreen trees or shrubs.

SHRUB — Any plant(s), deciduous or evergreen, generally multistemmed, classified and sold by height or spread, measured in inches or feet, and listed in Standards, set forth by the American Association of Nurserymen.

C. Requirements for approved landscaping plan.

- (1) General. All major subdivisions, site development plans and planned developments which are required to submit landscape plans and/or tree removal and woodland protection plans and/or soil erosion and sediment control plans shall conform to the requirements contained herein.
- (2) Submission of plans. A separate detailed plan, drawn to the scale of the original development plan, but in any event no less than one (1) inch equals one hundred (100) feet of all proposed landscaping, buffering, screening and existing trees and all of the following items shall be required.
 - (a) A listing of proposed plantings, including the common and scientific name of each, as well as the quantity of each.
 - (b) The location of the proposed planting. For large projects in which certain plant groupings repeat, a typical detail may be shown rather than drawing the individual plantings throughout. Symbols and a legend are desirable.
 - (c) The size of material to be planted, deciduous trees by caliper, evergreens, small flowering and ornamental fruit trees according to the American Association of Nurserymen Standards; list the ultimate size of each plant and the time to reach maturity.
 - (d) Methods to be used in welling, staking and guying, mulching and wrapping according to Borough standards.

- (e) Ground covers to be used in design, which may be indicated as a mass planting, but spacing must be defined in the plant list.
 - (f) Indication of screening and buffer plantings required by ordinance.
 - (g) Limits of removal of the existing vegetation and other information required in accordance with § 40-117, entitled "Tree removal and woodland protection."
 - (h) Such details and information as required in accordance with the appropriate section of this chapter on soil erosion and sediment control may also be included on the landscape plans.
- D. General design standards for residential developments. Landscaping plans for all major subdivisions, site development plans and planned developments involving single-family detached homes, patio homes, cluster homes, townhouses and garden apartments shall conform to the following design standards.
- (1) Foundation plantings. With the exception of single-family detached homes, which will be left to the discretion of the developer, all other types of housing shall be provided with appropriate foundation plantings, including a mixture of evergreen and deciduous plantings.
 - (2) Street trees. All residential developments shall be provided with street trees of at least two and one-half (2 1/2) inches caliper at a point six (6) inches from the ground, balled and burlapped and/or twelve (12) feet high, and planted at the following intervals:
 - (a) Large trees: fifty (50) to seventy (70) feet.
 - (b) Small to medium trees: forty (40) to sixty (60) feet.
 - (3) Culs-de-sac. In all residential developments which involve open space organizations, culs-de-sac shall be constructed with appropriately landscaped, low-maintenance islands.
 - (4) Private open space. In all residential developments which involve private open space and recreation areas required under other sections of this chapter, such private open space shall be appropriately landscaped, including, as a minimum in all instances, selective thinning and restorative plantings.
 - (5) Existing vegetation. In all residential developments, it shall be required to preserve as much of the existing vegetation as possible. All applicable provisions of § 40-117, entitled "Tree removal and woodland protection," shall be stringently adhered to. The preservation of existing healthy trees along roadways may reduce the requirements for the planting of additional street trees.
 - (6) Buffer areas. In all residential developments, where buffer areas are required under other sections of this chapter, such buffer areas shall be at least twenty-five (25) feet in depth. Subject to the approval of the Borough Planner and the Borough Engineer, such buffer areas may consist of existing vegetation and trees. If in the

event that the existing vegetation is not sufficient to constitute a buffer area, the developer shall provide plantings for the buffer area, consisting of mixed evergreen and deciduous trees, planted in such a fashion that will produce, within two (2) growing seasons, a screen at least six (6) feet in height, and at least seventy-five percent (75%) of these plantings shall be of the evergreen variation. Buffer zone plantings shall be designed in an asymmetrical fashion.

E. General design standards for nonresidential developments. Landscaping plans for all major subdivisions, site development plans and planned developments involving commercial and industrial buildings shall conform to the following design standards.

- (1) Foundation plantings and yard area. The periphery of all building and yard areas not covered by parking and not subject to other special landscaping requirements contained herein shall be suitably landscaped. Such landscaping shall employ low-maintenance hardy shrubs, hedges, ground covers and trees, as well as gravel, mulches, decorative concrete and brick.
- (2) Peripheral coverage.
 - (a) Peripheral landscaping shall be required along any side of a parking lot of twenty (20) or more spaces that abuts adjoining property that is not a right-of-way.
 - (b) A landscaping strip at least five (5) feet in width shall be located between the parking area and the abutting property lines.
 - (c) One (1) tree for each fifty (50) linear feet shall be planted in the landscaping strip.
 - (d) In addition to the required trees, a wall, hedge or other durable landscape barrier shall be planted or installed. The height of any such hedge shall be no less than three (3) feet and no more than seven (7) feet. The height of any wall or other durable landscape barrier shall be no less than five (5) feet and no more than seven (7) feet.
 - (e) One (1) shrub or vine for each ten (10) feet of nonliving durable barrier shall be planted between the parking lot and the barrier, and the barrier and the abutting property line.
- (3) Street coverage.
 - (a) Street landscaping shall be required along any side of a parking lot of twenty (20) or more spaces that abuts the right-of-way of any street, road or highway.
 - (b) A landscaping strip at least ten (10) feet in depth shall be located between the abutting right-of-way and the parking lot.
 - (c) One (1) tree shall be planted for each forty (40) linear feet of the landscaping strip.

- (d) A hedge wall or other durable landscape barrier of at least two and one-half (2 1/2) feet shall extend the entire length of the landscaping strip. The first twenty-five (25) feet on both sides of any accessory driveway pavement is excluded from this requirement.
 - (e) One (1) shrub or vine for each ten (10) feet of nonliving durable barrier shall be planted between the barrier and the street, and between the barrier and the parking lot.
- (4) Buffer areas. Buffers must be provided when a commercial or industrial property abuts a residential zone, minimizing the impact of the more intensive use by providing privacy. The first twenty-five (25) feet (in depth) from any property lines (excluding access driveways) shall be a buffer. Subject to the approval of the Borough Planner or the Borough Engineer, such buffer areas may consist of existing vegetation and trees. If in the event the existing vegetation is not sufficient to constitute a buffer area, the developer shall provide plantings for the buffer area, consisting of mixed evergreen and deciduous trees, planted in such a fashion that will produce, within two (2) growing seasons, a screen at least six (6) feet in height, and at least seventy-five percent (75%) of those plantings shall be of the evergreen varieties. Buffer zone plantings shall be designed in an asymmetrical fashion.
- F. General design standards for parking lots. All parking lots of twenty (20) or more spaces for both residential and nonresidential developments to be constructed, enlarged or reconstructed shall conform to the following design standards.
- (1) Design criteria.
 - (a) All parking lot landscaping shall be of such quality as to improve and enhance the site and its surrounding areas. Appropriate places for landscaping include the raised walkways or sidewalk areas, at the end of bays and in specific planting islands established throughout the lots. In narrow islands, plant low spreading and low maintenance plants, such as English Ivy, creeping juniper, myrtle or Pachysandra. Where more space is available yews, juniper or Forsythia.
 - (b) The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other planting material may be used to complement the tree landscaping, but shall not be the sole contribution to the landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscape plan.
 - (c) The landscaping and planting areas shall be reasonably dispersed throughout the parking lots. Trees should be a mixture of flowering and decorative trees, evergreen and deciduous. Trees in parking areas should be clumped at critical corners or areas to break up the mass of cars apparent to the eye. They should also be located with care so as not to destruct the vision of the driver.

- (d) The interior dimensions of any planting area or planting median shall be sufficient to protect the landscaping materials planted therein and to ensure proper growth.
- (e) In those instances where plant material exists on a parking lot site prior to its development, such landscape material may be used if approved in meeting the requirements of this chapter.

§ 40-119. Storm drainage.**A. General requirements.**

- (1) All subdivisions, site plans and planned developments shall incorporate on-site stormwater facilities that will encourage the recharging of underground aquifers or the slowing down of either the rate or amount of stormwater that leaves the site, or both. All measures used to control stormwater runoff shall comply with the drainage provisions of this chapter, as well as the section which requires soil erosion and sediment control and the Borough specifications.
- (2) Before approval of any subdivision, site plan or planned development, the applicant shall have submitted a drainage plan and hydrological calculations. All proposed drainage systems must be approved by the Board Engineer and appropriate county and state authorities before approval can be granted by the approving board.

B. Submission of drainage design and calculations. All projects shall be submitted with detailed drainage plans and calculations, which shall include, but not necessarily be limited to, the following:

- (1) Any analysis of the runoff generated by the project site prior to development.
- (2) Analysis and calculations of the runoff generated by the project site after the development is completed. (Runoff generated from adjoining properties flowing onto the project site should be included in the computations.)
- (3) Analysis of the possible impact on upstream and downstream drainage facilities and adjoining properties.
- (4) A detailed topographic map with two-foot contours, at a scale equal to the development plans or in any case a minimum scale of one (1) inch equals one hundred (100) feet, showing the proposed project and the layout of the proposed drainage system. Each drainage area (including off-site areas) flowing to an inlet, ditch or other point of collection or discharge shall be outlined on the map, indicating the acreage of the drainage area, the predevelopment runoff and the postdevelopment runoff and capacities of existing and proposed pipes.
- (5) The drainage system is to be designed for a one (1) in twenty-five (25) year storm. [Exception: detention/retention facilities shall be designed for a one (1) in one hundred (100) year storm]. Runoff quantities shall be determined by the Rational Formula:

$$Q = CIA$$

Where

Q = The quantity of runoff generated by the storm in cubic feet per second (CFS).

A = The drainage area in acres.

I = Rainfall intensity in inches per hour.

C = Coefficient of runoff.

- (6) Surface flow of water from high points to swales, curbs, ditches, streams, inlets and other points of collection shall be shown by small arrows.
- (7) At the determination of the Borough Engineer, additional information may be required to complete the drainage plans.

C. Nature of stormwater facilities.

- (1) Location. The applicant may be required by the approving board to carry away by pipe or open ditch any spring or surface water that may exist either previously to or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible or in perpetual unobstructed easements of appropriate width and shall be constructed in accordance with the construction standards and specifications.
- (2) Accommodation of upstream drainage areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Borough Engineer shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by this chapter.
- (3) Effect on downstream drainage areas. The Borough Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Local government drainage studies, together with such other studies as may be required or requested of the developer, as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the approving board shall withhold approval of the subdivision until provision has been made for the improvement of said potential condition as the Borough Engineer shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse facility. On-site detention/retention facilities shall be the preferred means of reducing downstream effect.
- (4) Floodplain areas. The approving board shall, when it deems it necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water drainage and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from any and

all destruction or damage resulting from clearing, grading or dumping of earth waste material, stumps or other objectionable material.

- (5) Design standards and surface drainage. "Surface drainage" shall be defined as the means of conveying stormwater runoff to a point of discharge along the surface via swales, ditches, channels or natural watercourses (streams, brooks, rivers, etc.). This shall also include the utilization of detention areas, retention ponds or natural ponds for the control of stormwater runoff.
- (6) Swales. "Swales" shall be defined as the means of grading the ground surface so that there is a positive drainage away from all existing and proposed dwelling units, adjoining properties and all other structures and devices that would be damaged by water. Swales shall be directed toward existing roads whenever possible or toward drainage devices (ditches, channels, streams, inlets, pipes, etc.) shown capable or designed to accommodate the additional runoff. In lawn areas, the swales shall be constructed on topsoil and sod, as per the requirements of § 40-118, Landscaping, and § 40-109, Soil erosion and sediment control, and the Borough specifications. Swales utilizing paving materials, stone, concrete grids or other approved materials may be used by the developer (or the developer may be directed by the Borough Engineer to use them) in areas of unstable soils, erosion prone sites and areas with excessive slopes. All swales shall be constructed at two-percent minimum on grass.
- (7) Ditches and channels. A "ditch" shall be defined as a man-made excavation with a cross section of five (5) feet or less designed to carry stormwater flows. A "channel" shall be defined as a man-made excavation with a cross-section base of more than five (5) feet. Ditches (hereinafter, the use of the word "ditch" will be construed to mean "channels" also) shall be designed to carry the runoff of a one (1) in twenty-five (25) year storm of all drainage areas contributing to the ditch. The ditch shall be constructed so that when the ditch is carrying the stormwater flow of a twenty-five-year storm, that there will be one (1) foot of freeboard maintained between the top of the water and the top of the ditch bank. The Manning Equation shall be used to determine the flow through ditches and channels.
 - (a) Ditches shall have a trapezoidal cross section where the side walls shall slope at the rate of one (1) foot vertical per three (3) feet horizontal. In the case where field conditions prohibit the use of three (3) side slopes, the developer may, with the approval of the Borough Engineer, vary the walls. However, in the case where the side slopes are greater than one to three (1:3), the Engineer shall require stabilization of the slopes with riprap, gabions, concrete grids or with other approved means. In no case will the ditch be allowed to be constructed of bare earth. As a minimum, ditches shall be seeded or sodded with appropriate materials as described in § 40-118, Landscaping.
 - (b) In the event that the gradient of the ditch is steep or stormwater (as calculated above) exceeds the allowable for the ditch, a lining will be required. The lining may be constructed with the approval of the Borough

Engineer of riprap, gabions, concrete grids or other approved means. A series of check dams may also be allowed to reduce the effective gradient.

D. Natural watercourses.

- (1) In the event that a natural watercourse flows through or adjacent to the developer's property, the developer may utilize it as part of his drainage system. However, the use of a stream, brook, river, etc., shall be done consistent with good engineering and environmental practices and shall meet or exceed all applicable local, state and federal standards and requirements. In addition, the developer shall possess a valid permit from the local Soil Conservation District and the New Jersey Department of Environmental Protection, Division of Water Resources, prior to doing any work that will divert, dam, fill or alter in any way the waterway, its tributaries or its floodways.
- (2) In addition to the drainage plan and calculations required indicated elsewhere in this chapter, the developer, prior to approval, must comply with the following:
 - (a) Present stream cross sections at fifty-foot stations for the length of his project. Cross sections shall be complete with all elevations, center line of the stream bed, top of water flow and bottom and top of banks and shall extend a minimum of twenty-five (25) feet beyond the top of the bank or to the floodway limit, whichever is greater (under special conditions the developer may be directed by the Borough Engineer to extend the cross section).
 - (b) Present complete details as to whatever devices are to be used to convey the stormwater flows from the project to the waterway (ditches, channels, pipes, etc., including endwalls, flared end pipes, riprap protection, etc.), in accordance with the Borough construction specifications and the Borough standard details.
 - (c) Present complete drainage calculations and comments as to the impact that the project stormwater will have on upstream and downstream properties and on existing drainage systems.

E. Detention and retention areas. A "detention area" shall be defined as an area of land specifically designed to temporarily store stormwater runoff to prevent flooding and then allowing the water to flow downstream at a controlled rate to prevent downstream flooding. A "retention area" shall be defined as an area of land that permanently retains water, even during periods of dry weather, but is designed to retain runoff until the excess flow can be safely released downstream to prevent flooding.

- (1) Detention area. A detention area is the preferred means of controlling runoff and of eliminating downstream flooding. Detention areas may be constructed on rooftops, porous pavement, parking lots or the open areas of various developments; however, in no case will water from a detention area be allowed to wash up against or inundate roads, homes, adjoining properties or other structures and devices not specifically designed to accommodate stormwater.

- (2) Retention area. Retention ponds shall only be used when it is not feasible to construct a detention facility and only with the approval of the Borough Engineer. Because portions of the ground source of the Borough form important aquifers for the Central New Jersey area, it will be necessary for the developer to construct a sediment basin immediately before the main retention pond to trap various pollutants associated with urban development.
- (3) Because of the great variabilities in topography, slopes, vegetation, etc., each tract of land shall be examined on an individual basis. Runoff control facilities are to be located in low points and existing depressions with a minimum amount of disturbance to the natural terrain. Where substantial grading and removal of vegetation is required, the basin shall be of amorphous dimensions to create a natural look and shall be landscaped with ground covers, shrubs, trees, etc., for the prevention of erosion and for aesthetic considerations. A small channel or swale shall be constructed containing rock and stone (as per the requirements of riprap) leading from all inlet structures (pipes, headwalls, swales, channels, weirs, etc.) to all outlet structures. The required width of the channel will be determined by field conditions.
 - (a) Designs should avoid the artificial pond-type detention or retention areas with high banks and berms. Detention areas should blend in to the natural environment as much as possible with long, flat one to ten (1:10) slopes so that they may be used as recreational areas during dry weather. Detention and retention areas should be landscaped for aesthetic and erosion control purposes. The developer is permitted to use stone beds, concrete grids or other approved means as part of the basin design.
 - (b) Detention and retention areas shall be designed to accommodate a minimum one (1) in one hundred (100) year storm and shall meet all applicable local, county, state and federal requirements. Detention and retention areas and associated sediment control features shall be designed according to the criteria of the New Jersey Department of Environmental Protection and/or the Soil Conservation Service or other such methods as may be satisfactory to the Borough Engineer.
 - (c) Detention areas shall be designed so that four (4) to six (6) hours after precipitation has ended, the basin will have drained completely of all surface waters.
 - (d) The detention basin shall also be designed so that, when maximum stormwater inflow is attained, there will be a minimum of one (1) foot freeboard above the maximum water level to the top of the banks of the basin. In the case of a retention pond, there shall be a minimum of two (2) feet from the top of the banks to the top of the spillway.
- (4) Detention of stormwater on roof surfaces may be designed by means of essentially flat, but slightly pitched roofs to the edges. Facilities for control of the water runoff from the roof shall be provided in the form of vertical leaders with detention rings around the intake to provide the control of water flow. The spacing

and capacity of the vertical leaders and detention rings shall be approved by the Borough Engineer and the Construction Official, depending on the area to be drained, the pitch of the roof, the capacity of the impoundment, detention or retention facilities to which the water will eventually drain and the structured strength of the roof. It is required that the intakes be protected by a device that will accept the full amount of water passed onto it from the detention rings, but will act as a strainer for any foreign matter such as leaves, twigs and seedlings. The leaders from a roof with water detention design shall direct the stormwater into a detention or retention basin constructed in a manner as outlined above or into other approved storm drainage systems.

F. Natural ponds.

- (1) The developer may utilize natural ponds and lakes as part of his overall drainage program. However, the following criteria must be met:
 - (a) The developer must show that the pond is capable of accepting the runoff from the project based on a one-hundred-year storm.
 - (b) Pollution control devices will be required to prevent contamination of the pond and underlying aquifers.
 - (c) Construction of storm drainage facilities to the pond will be done so as to disturb the natural environment as little as possible.
 - (d) The developer shall conform to all applicable local, county, state and federal regulations and standards, including but not limited to the Environmental Commission, the state water policy, the Soil Conservation Service and the Department of Environmental Protection and Energy.
 - (e) Facilities shall be designed to have the proper amount of sustained water flow downstream, the proper depth of water to control vegetation and a proper design to prevent water stagnation in any part of the pond.
- (2) The Borough Engineer shall have sole jurisdiction as to waiving any of the foregoing requirements (unless state or federal approval is also required). Such a determination will only be made upon a written request from the developer.

G. Design standards for subsurface drainage. "Subsurface drainage" shall be defined as the means of conveying stormwater runoff to a point of discharge via pipes (hereinafter referred to as a "conduit") where the water is transmitted beneath the ground surface and utilizing such structures as inlets, manholes and culverts.

- (1) Conduit size. The Manning Equation shall be used to determine the allowable flow through conduits:

$$Q = \frac{1.486}{n} \times A \times R^{2/3} \times S^{1/2}$$

Where

Q = The quantity of flow transmitted through the conduit in cubic feet per second (CFS).

n = The coefficient of roughness (from Borough specifications).

A = The cross-sectional area of the water flow in the conduit in square feet.

R = The hydraulic radius; the area of water flow divided by the wetted perimeter of the conduit in feet.

S = The slope of the conduit (feet of vertical drop per foot of horizontal distance).

- (a) The minimum velocity of the water flow through the conduit shall be two (2) feet per second (FPS). The maximum velocity shall be ten (10) feet per second. Conduits shall be constructed of reinforced concrete pipe (RCP), which shall be Class III wall.
 - (b) Other types of pipe will be used only at the direction of the Borough Engineer. Minimum pipe sizes shall be fifteen (15) inches in diameter. All pipes shall have a minimum of two (2) feet of earth cover. If less than two (2) feet of earth cover, then the reinforced concrete pipe shall be Class IV. Class V shall be used at all railroad crossings encased in a ductile iron-pipe casing.
- (2) Inlets.
- (a) Inlets shall be located at all low points in roadways, lawns, parking lots, etc., and in sufficient numbers so that no basin receives more than six (6) cubic feet per second of surface runoff.
 - (b) Inlets shall be also located at sufficient intervals so that the gutters are not overloaded. In addition, each street intersection shall have a minimum of two (2) inlets which shall be located in such a way that water does not have to flow across a street or crosswalk to reach the inlet.
 - (c) The maximum spacing between inlets shall be five hundred (500) feet. Inlets may also be used where there is a change in the pipe alignment or a transformation in the pipe size. Maximum flow to any one (1) inlet shall be six and zero-tenths (6.0) cubic feet per second (CFS).
- (3) Manholes. When inlets are not required, manholes shall be constructed at a maximum distance of three hundred (300) feet from adjacent manholes or inlets for access for pipes less than forty-eight (48) inches in diameter. For pipes forty-eight (48) inches in diameter or larger, the permitted manhole spacing shall be one thousand (1,000) feet. Manholes can be used at changes in pipe alignment or at transformations in the pipe size.
- (4) Culverts. "Culverts" shall be defined as the means of transporting the water of a ditch, channel or stream beneath a road, parking lot or other physical structure (where open flow is not feasible or possible) with the use of a conduit.

- (a) Headwalls and endwalls.
- [1] Headwalls are to be constructed on the upstream (inlet) side of all culverts receiving water from ditches, channels or natural watercourses. Endwalls shall be constructed at the downstream (outlet) side of all culverts and at the point of discharge of all pipes into any water body.
 - [2] Headwalls and endwalls shall extend a minimum of twenty-five (25) feet from all roadways, unless there is an existing natural barrier (trees, shrubs, berms) or a guardrail installed. When such conditions exist, the headwall or endwall may be placed at the right-of-way line or at a minimum distance of ten (10) feet from the edge of the roadway, whichever is greater.
 - [3] Headwalls shall be placed perpendicular to the direction of flow of the watercourse and shall be constructed with wingwalls to direct the flow to the culvert pipes. At the direction of the Borough Engineer, the contractor shall place riprap around the headwall for additional scour protection.
 - [4] Endwalls shall be positioned so that the discharge from the culvert pipes flow parallel with the watercourse. All endwalls of pipe culverts shall have a dished splash pad and cutoff wall, as shown in the Borough Standard Details.
- (b) Flared-end pipe sections. For pipes of thirty-six (36) inches diameter and less used as culverts, the developer may elect to use a flared-end pipe section instead of an endwall. The flared-end pipe shall meet all of the location criteria and shall be completely protected with riprap, as described in this section.
- (c) Scour protection.
- [1] The contractor shall provide scour protection for the waterway at all endwalls and other discharge points in the form of riprap or gabions or other approved means. The total length of the splash pad and scour protection blanket shall be a minimum of eight (8) times the diameter of the culvert pipe. The scour protection shall also be placed on the banks of the waterway, commencing at the top of the wingwall and gradually sloping down to meet the end of the protection blanket.
 - [2] A cutoff wall shall be constructed at the terminus of the protection blanket. The wall shall be constructed of the material used in the protection blanket or other approved materials and shall extend a minimum of three (3) feet below the invert of the waterway for the full width of the waterway.
 - [3] The Borough Engineer may require additional length and depths of scour protection based on his examination of the project site conditions and a review of available soil reports and testings.

- (d) Gabions. "Gabions" shall be defined as open mesh wire baskets constructed and designed to contain stones for the purpose of erosion control, slope stabilization, waterfront structures, channel lining and other such structures as may be approved by the Borough Engineer.
- (e) Riprap. "Riprap" shall be defined as the use of hard, durable stone and rock as a means of preventing erosion and scour due to runoff for the stabilization of slopes. Riprap shall be placed on a prepared filter bed of sand and gravel or on a polypropylene filter cloth.

H. Dedication of easements.

- (1) Drainage easements (natural watercourses). The approving board shall require a stormwater and drainage easement along all natural watercourses located in or adjacent to a subdivision plat or site plan. The land which is the subject of the easement shall be a strip along both sides of the watercourse to a width of fifty (50) feet in each direction from the top of banks of the watercourse or not less than any encroachment line established by a competent governmental authority, whichever is greater. The Matchaponix and South River systems shall require a minimum easement of three hundred (300) feet. The easement shall be in a form approved by the approving board attorney and shall include provisions assuring the preservation of the channel of the watercourse, prohibition of alteration of the contour, topography or composition of the land within the easement, prohibition within the boundaries of the easement of any and all construction and a grant to the Borough of a right of entry to install and maintaining a storm or sanitary sewer system or other public utility. In certain cases, the Borough Engineer may require additional easement areas.
- (2) Conservation elements. Easements shall be required along all drainage and stormwater rights-of-way in a subdivision, site plan or planned development to prevent the siltation and erosion of streams, stream banks, other watercourses and adjacent lands. Conservation easements shall also be required to protect steep slopes, botanical, historical, geological and paleontological areas and other unique environmental areas. In such cases, the Borough Planner and the Borough Engineer shall determine the required shape and size of the easement. A conservation easement shall include a strip at least twenty-five (25) feet in width running adjacent to each side of the required drainage or stormwater rights-of-way or adjacent to each side of the stream if no drainage right-of-way is dedicated. The conservation easement shall contain provisions to restrict removal of trees and ground cover and to prohibit filling or grading of the land or the disposal of refuse or waste material of any type within the limits of the easement.
 - (a) The easement shall be indicated on the plat and shall be marked on the land by iron pipes wherever the lines of the easement change direction or intersect lot lines.
 - (b) All storm drainage improvements shall be designed and constructed in accordance with the state's Stormwater Management Regulations N.J.A.C. 7:8 et seq.

§ 40-120. Water facilities.**A. General requirements.**

- (1) Necessary action shall be taken by the applicant to extend or create a water-supply district for the purpose of providing a water-supply system capable of providing domestic water use and fire protection.
- (2) Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants), subject to the specifications of the state or local authorities. All water mains shall be at least eight (8) inches in diameter. All waterlines are to be located to provide a continuous flow and shall be cement-lined ductile iron pipe Class 52 minimum.
- (3) Water main extensions shall be approved by the Borough.
- (4) To facilitate the above, the location of all fire hydrants, all water supply improvements and the boundary lines of proposed districts indicating all improvements proposed to be served shall be shown on the preliminary and final plat.
- (5) The required fire flow shall be estimated based on the latest Insurance Service Office and the National Fire Protection Association standards.
- (6) A minimum of three (3) valves shall be installed at every junction of water mains.

B. Fire hydrants.

- (1) Fire hydrants shall be required for all development projects. Fire hydrants shall be located no more than six hundred (600) feet apart and within three hundred (300) feet of a structure and shall be approved by the Borough Fire Marshal. To eliminate further street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final paving of a street shown on the subdivision plat.
- (2) Where more than one (1) hydrant connects to a waterline, waterlines shall be a minimum of eight (8) inches in diameter up to the next-to-last hydrant. The last section of waterline to the last hydrant may be six (6) inches. In the event that the waterline may be extended in the future, then the waterline shall be eight (8) inches diameter to its terminus.

§ 40-121. Sewerage facilities.

- A. General requirements. The applicant shall install sanitary sewer facilities in a manner prescribed by the Borough construction standards and applications. All plans shall be designed in accordance with the rules, regulations and standards of the Borough Engineer, the Health Department and other appropriate agency. Plans shall be approved by the above agencies.
- B. Individual disposal system requirements. If public facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the

requirements of this chapter, and percolation tests and test holes shall be made as directed by the Borough Health Officer. The individual disposal system, including the size of the septic tanks and the size of the tile fields or other secondary treatment device, shall also be approved by the Health Officer.

§ 40-122. Utilities.

- A. Location. All utility facilities, including but not limited to gas, electric power, telephone and Community Antenna Television (CATV) cables, shall be located underground throughout the subdivision. Wherever existing utility facilities are located above ground, except where existing on public roads and rights-of-way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat.
- B. Easements.
- (1) Easements centered on rear lot lines shall be provided for utilities (private and municipal), and such easements shall be at least twenty (20) feet wide. Proper coordination shall be established between the subdivider and the applicable utility authorities for the establishment of utility easements established in adjoining properties.
 - (2) Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least 20 feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. Easements shall be indicated on the plat.
 - (3) The Borough Engineer and the approving board reserve the right to reasonably increase the size of the easement because of existing or proposed conditions or because of the nature of the utility.

§ 40-123. Lighting.

- A. General requirements. All major subdivisions, site development plans and planned developments shall submit lighting plans in accordance with the standards set forth herein.
- (1) Required documentation.
 - (a) All lighting plans shall indicate the location of all proposed lighting.
 - (b) The plan should note the maximum light intensity expressed in footcandles from each light and the circumference of the minimum required intensity from each light.
 - (c) Drawings depicting the standards upon which the lights will be attached as well as the fixtures themselves shall be required.
- B. Design standards.

- (1) Lighting should be located along streets, in parking areas, at intersections and where various types of circulation systems merge, intersect or split. Pathways, sidewalks and trails should be lit using low or mushroom-type standards. Stairway and sloping or rising paths require illumination, as do building entrances and exits. Lighting should also be provided where buildings are set back or offset.
 - (2) All direct glare is prohibited. The maximum amount of light that would be permitted is that produced by lights on standards not to exceed the maximum height allowed in the zone and shielded to restrict the maximum apex angle of the cone of illumination to 150°.
 - (3) Standards upon which lights are placed should be spaced at a distance approximately equal to four times the height. The maximum height should be in scale with the surroundings and should not exceed the maximum building height permitted in the zone or 25 feet, whichever is less.
 - (4) Spotlights, if used, should not be located on buildings and faced outward. These create dark shadows adjacent to the building and affect security. The glare blinds persons looking at the building, and the light is thrown directly on adjacent properties. Put spotlights on standards pointing toward the structures, being careful not to blind residents.
 - (5) The standards and style of light should be consistent with the type and style of the architecture of the buildings. The poles should be between 12 and 15 feet high and arranged to give a fairly uniform lighting pattern of at least 0.5 footcandles throughout the lot. At driveway intersections, the lights should produce at least three footcandles for safety reasons.
 - (6) The fixtures themselves should be capable of being shielded on any side, and the light cone should not exceed 135°.
 - (7) Intersecting, converging and diverging roadway areas at grade require higher illumination than that recommended. The illumination in these areas should be at least equal to the sum of the illumination values provided on the roadways which form the intersection.
 - (8) The lowest footcandle value at any point on the pavement should not be less than 1/3 the average value. The only exception to the requirement applies to residential roadways, where the lowest footcandle value at any point may be as low as 1/6 the average value.
- C. Specific lighting requirements. The maximum intensity of illumination permitted on roadways and walkways is as follows.³⁷

37. Editor's Note: The Average Maintained Horizontal Illumination is included at the end of this chapter.

ARTICLE XVI

Zoning

§ 40-124. Schedule of zones.

The Borough is hereby divided into the following zones:

Zone	Description
R-15	Single-Family Residential
R-10	Single-Family Residential
R-7	Single-Family Residential
R-5	Single-Family Residential Two-Family Residential
R-7SC	Single-Family Senior Citizen Residential ³⁸
<u>R-6</u>	Single-Family Residential ³⁹
RM-GF	Garden Flat Residential <i>Helmetta</i>
RM-M	Multiplex Residential
RM-C	Townhouse and Condominium Residential
RM-T	Townhouse Residential
B-1	Retail Business
O-C	Office Commercial
L-I	Light Industrial
WS	Wetlands and Watershed Protection

§ 40-125. Zoning Map.

The Borough of Helmetta is hereby divided into zones or districts as shown on the map entitled "Zoning Map of the Borough of Helmetta dated 1987," as prepared May 28, 1987, and revised December 16, 1987, which is hereby adopted by reference and declared to be part of this chapter.⁴⁰

§ 40-126. Determination of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map,⁴¹ the following rules apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed as following such center lines unless such zone boundary lines are fixed by dimensions shown on the Official Zoning Map.

38. Editor's Note: This zone was added to this section pursuant to Ord. No. 18-1995, adopted 8-23-1995.

39. Editor's Note: This zone was added to this section pursuant to Ord. No. 8-1995, adopted 4-26-1995.

40. Editor's Note: The Zoning Map is on file in the office of the Borough Planner and in the office of the Borough Clerk.

41. Editor's Note: The Zoning Map is on file in the office of the Borough Planner and in the office of the Borough Clerk.

- B. Boundaries indicated as approximately following platted lot lines and where they do not scale more than 10 feet distant therefrom shall be construed as following such lot lines, unless specifically shown otherwise.
- C. In unsubdivided land and where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions on the map, shall be determined by the use of the scale appearing thereon.
- D. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits.
- E. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- F. Boundaries indicated as following shorelines shall be construed as following such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the center lines of streams, rivers or other bodies of water shall be construed as following such center lines.
- G. Boundaries indicated as parallel to the extensions of features indicated in Subsections A through F above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map. Lands falling within the area generally known as "riparian rights" territory shall be governed by and shall be included within the straight-line extension of the zone boundaries of the zone district to which the riparian right areas are adjoined.
- H. Where a zoning lot is located in part in one zoning district and in part in another zoning district, the entire zoning lot or portion thereof located in the neighboring zone may be used for a purpose permitted in either zone upon application for a conditional use permit and upon determining by the approving authority that the following standards and conditions are met:
- (1) The use contemplated can best be established by utilizing the portion of the zoning lot in the neighboring zone district without materially affecting the adjoining areas.
 - (2) The site plan shall be appropriate to the adjoining areas.
 - (3) A set of plans, specifications and plot plans shall be filed in 15 copies with the Planning Board/Zoning Board of Adjustment, showing overall dimensions, topographical conditions, the location and intended use of existing and proposed buildings, the relationship of the proposed use to the streets and adjacent property and other physical features which might act as a deterrent to the general welfare.
- I. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by Subsections A through G above, the Planning Board/Zoning Board of Adjustment shall interpret the district boundaries.

§ 40-127. Conformity with regulations.

The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area or to have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required or in any other manner contrary to the provisions of this chapter.
- C. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
- E. Only those uses specifically identified as a permitted principal use, permitted accessory use, conditional use, permitted sign or other permitted use shall be permitted. All other uses are prohibited.
- F. All territory which may hereafter be annexed to the municipality shall be considered to be zoned in the same manner as the contiguous territory inside previous municipal limits until otherwise classified.

§ 40-128. Administration and enforcement.

- A. Administrative officials designated. [Amended 4-25-1995 by Ord. No. 7-1995]
 - (1) The Construction Code Official and Zoning Officer of the Borough of Helmetta shall administer and enforce the provisions of this chapter. They may be provided with the assistance of such other persons as the governing body may direct.
 - (2) The Zoning Officer and/or the Construction Official shall be empowered to designate subordinates or subcode officials, as the case may be, to provide for the necessary and proper enforcement of this chapter. In no case shall a permit be granted for the construction or alteration or use of any structure or any part of a structure or building which would be in violation of a plan approved by the Helmetta Planning Board or Helmetta Zoning Board of Adjustment or any provision of this chapter. It shall be the duty of the aforesaid officials and their duly authorized assistants, subcode officials or their duly authorized subordinates

to cause any building, plans or premises to be inspected or examined and to order, in writing, the remedy of any conditions found to exist in violation of any provision of this chapter, and the aforesaid officials shall have the right to enter any building or premises in accordance with law and in the course of his/her duties. The officials shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions. In the event that the Zoning Officer, Construction Official or duly authorized subcode officials or subordinates shall determine that a violation of this chapter or plans approved by the Planning Board or Zoning Board of Adjustment exists, which affects the health and safety of the Borough of Helmetta, and/or if a violation has failed to be abated within a reasonable period of time following proper notice to the violator, then the Zoning Officer, the Construction Official or their duly authorized subordinates or subcode officials shall have the authority to seek injunctive relief before the Superior Court of New Jersey or other court of competent jurisdiction.

B. Certificates of zoning compliance.

- (1) For any development application, it shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, until a certificate of zoning compliance shall have been issued therefor by the administrative official, stating that the proposed use of the building or land conforms to the requirements of this chapter and adequate planning standards.
- (2) No permit for erection, alteration, extension, enlargement, movement or repair of any building shall be issued until a certificate of zoning compliance has been duly issued in accordance with the provisions of this chapter. The certificate of zoning compliance shall be issued by the administrative official, stating that the proposed use of the building or land conforms to the requirements of this chapter and adequate planning standards. No certificate of zoning compliance shall be issued by the administrative official unless the application for said certificate is in conformity with all the provisions of this chapter or has been duly exempted by variance.
- (3) Failure to obtain a certificate of zoning compliance shall be a violation of this chapter.

C. Expiration of building permit.

- (1) If the work described in any building permit has not commenced within 90 days from the date of issuance thereof, said permit shall expire and be canceled by the administrative official, and written notice thereof shall be given to the persons affected.
- (2) If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be

canceled by the administrative official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

- D. Construction and use to be as provided in applications, plans, permits and certificates of zoning compliance. Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement and construction set forth in such approved plans and applications and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this chapter. If any such permit has been authorized and not lifted from the office of the administrative official and executed by the applicant within a period of six months from the date of authorization, then such authorization shall be null and void and no permit shall be issued thereunder.
- E. When an applicant fails to comply or deviates significantly from any approved plans filed with the approving board, the Zoning Officer shall have jurisdiction to review the aforementioned deviation. If the Zoning Officer is of the determination that the deviation is minor and insignificant, and provided that the deviation does not change the intent of the approved use, plans and resolution, the Zoning Officer may approve the deviation. If the Zoning Officer is of the determination that the deviation will result in a substantial change to the approved use, plans and resolution, the applicant shall be required to submit plans showing all proposed revisions to the original approving board. In any event, the Zoning Officer shall make and file a report with the approving board noting all deviations and reasons for the Zoning Officer's decision.
- F. Exempted uses. The following uses shall be permitted to be located anywhere in the municipality and shall be exempt from the provisions of this chapter except as specifically stated in this Article.
- (1) Outdoor telephone booths owned and operated by the New Jersey Bell Telephone Company. Erection of said booths shall be subject to the approval of the administrative official and the Municipal Engineer so that the same shall not constitute traffic and/or safety hazards. Such telephone booths shall be kept in a good state of repair and appearance. The erection and maintenance of said booths shall be subject to such regulations as may be prescribed from time to time by the administrative official and the Municipal Engineer in the interest of health, safety and general welfare of the public.
 - (2) Normal and customary public utility and service and distribution lines.
 - (3) All municipal uses and utilities.
 - (4) Outdoor shelters for school bus children or bus patrons. Erection of such shelters shall be subject to the approval of the administrative official and the Municipal Engineer as to sites and construction so that the same shall not constitute traffic and/or safety hazards. Such shelters shall be kept in a good state of repair and appearance. The erection and maintenance of such shelters shall be subject to such regulations as may be prescribed from time to time by the administrative official and the Municipal Engineer in the interest of health, safety and general welfare of

the public. Such shelters may not carry any advertising or other commercial display.

§ 40-129. Minimum requirements.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

§ 40-130. Complaints of violations.

Whenever a violation of this chapter occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the administrative official. He shall record properly such complaint, immediately investigate and take action thereon as provided by this chapter.

§ 40-131. Purpose of residential districts.

Residential districts are established in order to achieve the general goals as identified in Article II and for the following specific purposes:

- A. To protect residential areas against fire, explosion, noxious fumes, offensive noise, vibrations, smoke, dust, odors, heat, glare and other objectionable influences.
- B. To protect residential areas against the intrusion of abnormal vehicular traffic and to provide space for off-street parking.
- C. To protect residential areas against congestion by regulating the bulk of buildings in relation to the land around them and to provide sufficient space in appropriate locations for residential development to meet the needs of probable expansion in population.
- D. To protect those quasi-residential uses which require a residential environment and which provide essential health and welfare services for the residents.

§ 40-132. R-15, R-10, R-7 and R-5 Single-Family Residential Zones.

The following regulations shall apply in the R-15, R-10, R-7 and R-5 Single-Family Residential Zones:

- A. Permitted principal uses:
 - (1) Single-family detached dwellings.
- B. Permitted accessory uses:

- (1) Private garage space for the storage of motor vehicles.
 - (2) Greenhouses, toolsheds and other similar structures.
 - (3) Private recreational facilities such as, but not limited to, swimming pools and tennis courts, provided that these areas shall be noncommercial.
 - (4) Fences, walls and hedges.
 - (5) Storage sheds of 10 feet in width by 10 feet in length by 7 1/2 feet in height, which provide for a two-foot side and rear yard offset.
- C. Conditional uses:
- (1) Churches, synagogues and other similar places of worship and parish houses and convents.
 - (2) Public utility facilities required to provide the direct service of the utility to the consumers, such as transformers and pumping stations, but excluding warehouses, service or storage and treatment yards and offices.
- D. Bulk regulations. The requirements for these districts or zones of lot area and width, yard dimensions, building coverage and height are listed in the bulk schedule attached and part of this chapter⁴² for the R-15, R-10, R-7 and R-5 Zones or, where applicable, in Chapter 17A of the Code of the Borough of Helmetta entitled "Affordable Housing." [Amended 7-12-1995 by Ord. No. 16-1995; 8-23-1995 by Ord. No. 18-1995]
- E. Prohibited uses:
- (1) All nonresidential uses such as, but not limited to, professional offices and
 - (2) All residential uses not specifically permitted in this zone including but not limited to any for-profit or non-profit, non-commercial use such as the temporary or permanent boarding, foster or rescue care of domestic animals. (2003)
- F. Parking. Off-street parking space with appropriate access thereto shall be provided on the same lot it is intended to serve, in accordance with the following minimum standards:
- (1) Single-family detached dwelling: two off-street parking spaces for each dwelling unit.
- G. Permitted signs:
- (1) One nonilluminated, residential nameplate sign situated within the property line and not exceeding one square foot on any surface.
 - (2) One nonflashing, nonilluminated temporary sign pertaining to the lease or sale of the same lot or building upon which it is placed, situated within the property lines and the premises to which it relates and not exceeding six square feet in area on

42. Editor's Note: The Zoning Bulk Schedule Requirements is included at the end of this chapter.

- (2) All residential uses not specifically permitted in this zone including but not limited to any for-profit or non-profit, non-commercial use such as the temporary or permanent boarding, foster or rescue care of domestic animals. (2003)

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any one side. The sign must be removed from the premises within two days after the property has been leased or sold.

- (3) One nonflashing, nonilluminated temporary sign pertaining to a particular event, purpose or occasion, including electoral. Said sign must be removed within one day after the occurrence of the event and within 60 days of the posting of the sign, whichever comes first.
- (4) No freestanding sign shall be located closer to any front or side lot line than 10 feet and shall not block any required site triangle area.
- (5) One temporary construction advertisement sign with maximum dimensions of four feet in height by four feet in width may be permitted. Such sign shall be removed at the issuance of a certificate of occupancy.

§ 40-132.1. R-7SC Single-Family Senior Citizen Residential Zone. [Added 4-26-1995 by Ord. No. 8-1995]

A. Senior citizen housing shall be permitted and encouraged in the R-7SC Zone, Block 20, Lots 2.03, 7.01, 7.02 and 11. At least one person over the age of 55 shall be a permanent resident in at least 80% of all homes within the community in which the residential property and the residential related open space, recreation facilities and property are all owned by a mutual nonprofit corporation, or corporations, established pursuant to the laws of the State of New Jersey and also governed by Section 213 of Title II of the National Housing Act, as amended, (or provisions of a similar or comparable nature) or by individuals, condominium associations or other entities, all of which shall have rules and regulations controlling the development in conformance with the minimum standards set forth below:

(1) Permitted uses:

- (1) All nonresidential uses, such as but not limited to institutional, commercial and industrial uses. (2003)

(2) Permitted accessory uses:

- (a) Accessory uses permitted in the R-10 Zone as set forth in § 40-132B of this chapter.
- (b) Accessory uses permitted in the RM-M Zone as set forth in § 40-135B of this chapter.

(3) Minimum tract area: 8.5 acres.

(4) Maximum gross site density: five dwelling units per acre.

(5) Minimum tract width: 175 feet.

(6) Minimum tract depth: 200 feet.

(7) Minimum building setback to any exterior tract property line: 40 feet.

- (8) Bulk requirements for single-family detached dwellings:
- (a) Average minimum lot area: 7,000 square feet.
 - (b) Minimum lot area: 5,000 square feet.
 - (c) Average minimum lot width: 70 feet.
 - (d) Minimum lot width: 50 feet.
 - (e) Minimum lot depth: 100 feet.
 - (f) Minimum front yard setback: 20 feet.
 - (g) Minimum one side yard setback: 10 feet.
 - (h) Minimum two side yard setback: 20 feet.
 - (i) Minimum rear yard setback: 20 feet.
 - (j) Maximum lot coverage by building: 25%.
 - (k) Maximum impervious lot coverage: 45%.
 - (l) Maximum building height: 1 1/2 stories and 25 feet.
 - (m) Minimum off-street parking: two spaces per dwelling, one of which may be enclosed in a garage or carport.
 - (n) Minimum dwelling unit gross floor area: 1,000 square feet.
- (9) Bulk requirements for attached single-family dwellings (duplex), each unit occupying a separate lot:
- (a) Minimum lot area: 7,000 square feet.
 - (b) Minimum lot width: 70 feet.
 - (c) Minimum lot depth: 100 feet.
 - (d) Minimum front yard setback: 20 feet.
 - (e) Minimum one side yard setback: zero feet.
 - (f) Minimum two side yard setback: 20 feet.
 - (g) Minimum rear yard setback: 25 feet.
 - (h) Maximum lot coverage by building: 20%.
 - (i) Maximum impervious lot coverage: 40%.
 - (j) Maximum building height: 1 1/2 stories and 25 feet.
 - (k) Minimum off-street parking: two spaces per dwelling, one of which may be enclosed in a garage or carport.

- (l) Minimum dwelling unit gross floor area: 1,000 square feet.
- (10) Bulk requirements for attached two single-family dwellings (duplex) occupying a common lot:
- (a) Maximum lot area: 14,000 square feet.
 - (b) Minimum lot width: 140 feet.
 - (c) Minimum lot depth: 100 feet.
 - (d) Minimum front yard setback: 20 feet.
 - (e) Minimum one side yard setback: 20 feet.
 - (f) Minimum two side yard setback: 40 feet.
 - (g) Minimum rear yard setback: 25 feet.
 - (h) Maximum lot coverage by building: 20%.
 - (i) Maximum impervious lot coverage: 40%.
 - (j) Maximum building height: 1 1/2 stories and 25 feet.
 - (k) Minimum off-street parking: two spaces per dwelling, one of which may be enclosed in a garage or carport.
 - (l) Minimum dwelling unit gross floor area: 1,000 square feet.
- (11) Additional bulk requirements for dwellings occupying a common lot:
- (a) Minimum setback distance between sides of dwellings perpendicular to, or close to being perpendicular to, public or private roads and streets: 20 feet.
 - (b) Minimum setback distance between the rear of a dwelling (which is the farthest side of a dwelling parallel to, or as close to being parallel to, public or private roads and streets) and the rear or side of another dwelling: 50 feet.
 - (c) Minimum setback distance between the front of a dwelling facing a private road or street and the curblineline of a private road or street: 30 feet.
 - (d) Minimum setback distance between the front of a dwelling facing a public road or street and the right-of-way line of a public road or street: 20 feet.
 - (e) All nonresidential buildings, structures and facilities, including parking lots, shall be set back at least 40 feet from a residential dwelling unit. A fifteen-foot-wide landscaped buffer creating a solid visual screen at least 4 feet high shall be provided in such forty-foot setback.
- (12) Minimum open space:
- (a) At least 10% of the minimum open space shall be improved for active recreation.

- (b) At least 10% percent of the minimum open space shall provide for improved passive recreation.
- (c) The balance of the open space provided shall be landscaped.
- (13) A clubhouse shall be provided for the residents of the senior housing project. The clubhouse shall contain a community room having a floor area provided at a rate of 10 square feet per dwelling unit. In addition, fully equipped facilities, including but not limited to game rooms, arts and crafts rooms, fully equipped kitchen, office space and service facilities, shall be provided in the clubhouse. One off-street parking space shall be provided for each four dwelling units.
- (14) Minimum landscaped or natural buffer area or conservation easement along tract boundary: 25 feet wide.
- (15) (Reserved)⁴³
- (16) Lighting standards for outdoor parking areas shall be a maximum 20 feet high with illumination and shall be reflected away from windows of the dwelling units and from any nearby residences in order to minimize the impact of such lighting on the residents in the dwelling units.
- (17) No dwelling units shall be permitted in any basement or garage area.
- (18) A minimum of 500 square feet shall be provided for building and grounds maintenance and repair shop with storage.
- (19) All units constructed shall be designed to accommodate a barrier-free life-style and shall comply with all applicable federal and state minimum design standards for barrier-free dwelling units, pursuant to the Americans with Disabilities Act. Alarm switches shall be installed in each dwelling unit to summon aid in an emergency. The switches shall be located at least in the bedroom and bathroom. The switches shall be connected to illuminate an audio and visual signal in a central location.
- (20) Storage space. A minimum of 80 square feet of gross floor area of storage space shall be provided within the floor plan design of each senior dwelling unit.
- (21) The size and arrangement of bathrooms and fixtures therein shall be adequate for the convenient use of older persons. The floor finish shall be impervious to water, have nonslip characteristics and slope inward. The threshold of the bathroom shall be flush with the floor. All plumbing fixtures, accessories and trim shall be selected for and provide the maximum contribution to the safety, convenience and aid to older persons. Grab bars shall be provided beside toilets and in bathtubs and/or shower stalls. Shower stalls will include a built-in seat or bench or sufficient space for a bath stool.
- (22) The bedroom distribution for low- and moderate-income units shall comply with the rules and procedures (N.J.A.C. 5:93-1 et seq. and all subsequent amendments

43. Editor's Note: Former § 40-132.1A(15), Affordability, was repealed 7-12-1995 by Ord. No. 16-1995 and 8-23-1995 by Ord. No. 18-1995. See now Ch. 17A, Affordable Housing, of the Code of the Borough of Helmetta.

and revisions thereto) promulgated by the New Jersey Council on Affordable Housing.

- B. The bulk requirements for this district or zone shall, in addition to the requirements set forth herein, also be governed where applicable by Chapter 17A of the Code of the Borough of Helmetta entitled "Affordable Housing." [Added 7-12-1995 by Ord. No. 16-1995; amended 8-23-1995 by Ord. No. 18-1995]

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§ 40-132.2. R-6 Single-Family Residential Zone. [Added 8-23-1995 by Ord. No. 18-1995]

The following regulations shall apply in the R-6 Single-Family Residential Zone:

- A. Permitted principal uses:
- (1) Single-family detached dwellings.
- B. Permitted accessory uses:
- (1) Private garage space for the storage of motor vehicles.
 - (2) Greenhouses, toolsheds and other similar structures.
 - (3) Private recreational facilities such as, but not limited to, swimming pools and tennis courts, provided that these areas shall be noncommercial.
 - (4) Fences, walls and hedges.
 - (5) Storage sheds of 10 feet in width by 10 feet in length by seven and one-half feet in height, which provide for a two-foot side and rear yard offset.
- C. Conditional uses:
- (1) Public utility facilities required to provide the direct service of the utility to the consumers, such as transformers and pumping stations, but excluding warehouses, service or storage and treatment yards and offices.
- D. Bulk regulations. The requirements for this district or zone of lot area and width, yard dimensions, building coverage and height are listed in the bulk schedule attached and made part of this chapter for the R-6 Zone.⁴⁴
- E. Prohibited uses:
- (1) All nonresidential uses such as, but not limited to, professional offices and institutional, commercial, industrial and educational uses, including signs.
 - (2) All residential uses not specifically permitted in this zone.
- F. Parking. Off-street parking space with appropriate access thereto shall be provided on the same lot it is intended to serve, in accordance with the following minimum standards:

⁴⁴ Editor's Note: The Zoning Bulk Schedule Requirements is included at the end of this chapter.

- (1) Single-family detached dwelling; two off-street parking spaces for each dwelling unit.
- G. Permitted signs. Same as regulated at § 40-132g(1) through (5).
- H. Additional regulations. [Amended 8-23-1995 by Ord. No. 19-1995]
- (1) The minimum average lot size shall be 7,200 square feet throughout the proposed development.
 - (2) In any development of four or more lots within this zone, there shall be a mix of bedroom options within the development which shall yield a ratio of 75% three-bedroom units and 25% four-bedroom units.
- I. The bulk requirements for this district or zone shall, in addition to the requirements set forth herein, also be governed where applicable by Chapter 17A of the Code of the Borough of Helmetta entitled "Affordable Housing." [Amended 8-23-1995 by Ord. No. 19-1995]

§ 40-133. RM-GF Garden Flat Residential Zone. *Heather Glen*

The following regulations shall apply in the RM-GF Residential Zone:

- A. Permitted principal uses:
- (1) Garden flat dwelling units.
- B. Permitted accessory uses:
- (1) Off-street parking garages and parking lots for required parking.
 - (2) Private recreational and social facilities, such as but not limited to swimming pools, tennis courts and club houses, provided that these uses shall be noncommercial and limited to the sole use of residents and their guests.
- C. Conditional uses:
- (1) Public utility facilities required to provide the direct service of the utility to the consumers, such as transformers and pumping stations, but excluding warehouses, service or storage and treatment yards and offices.
- D. Bulk regulations.
- (1) The requirements for this district of lot area and width, yard dimensions and lot coverage and height are listed in the bulk schedule attached and part of this chapter⁴⁵ or, where applicable, in Chapter 17A of the Code of the Borough of Helmetta entitled "Affordable Housing." [Amended 7-12-1995 by Ord. No. 16-1995; 8-23-1995 by Ord. No. 18-1995]

45. Editor's Note: The Zoning Bulk Schedule Requirements is included at the end of this chapter.

- (a) Garden flat dwellings: as regulated by the RM-GF Zone.
- (2) Other RM-GF bulk regulations shall be as follows:
 - (a) Minimum building setback from an exterior tract boundary: 50 feet.
 - (b) Minimum buffer width along exterior tract boundary: 50 feet.
 - (c) Maximum gross density: eight dwelling units per acre.
 - (d) Minimum building setback from street line: 15 feet.
 - (e) Minimum building setback from any parking area: 10 feet.
 - (f) Minimum one side yard: 17 1/2 feet.
 - (g) Minimum two side yards: 35 feet.
 - (h) Minimum distance between principal buildings: 35 feet between nonwindow walls and 90 feet between window walls.
- E. Prohibited uses:
 - (1) All nonresidential uses, such as but not limited to institutional, commercial and industrial uses.
 - (2) All residential uses not specifically permitted in this zone including but not limited to any for-profit or non-profit, non-commercial use such as the temporary or permanent Boarding, foster or rescue care of domestic animals.
- F. Regulations for garden apartments flats.
 - (1) Development application shall be made in full compliance with the Borough of Helmetta Subdivision and Site Plan Ordinance.⁴⁶
 - (2) The maximum density of dwelling units in a garden flat development shall not exceed 10 units per acre for the total lot area.
 - (3) No more than 10 first-floor dwelling units shall be contained in any one continuous structure, not to exceed 200 feet in structural length.
 - (4) Garden apartment structures may be grouped with architectural design consistent in each structure. A minimum four-foot building offset shall be required every two doors.
 - (5) Where practical, the design layout of garden apartment structures shall be such that the front of one residential building or structure does not face the rear of another such building or structure or the rear of buildings or structures on adjoining properties unless 200 feet distant therefrom.
 - (6) No basement or attic apartments shall be permitted.

⁴⁶ Editor's Note: The Site Plan is available in the office of the Borough Clerk.

- (b) At least 10% percent of the minimum open space shall provide for improved passive recreation.
- (c) The balance of the open space provided shall be landscaped.
- (13) A clubhouse shall be provided for the residents of the senior housing project. The clubhouse shall contain a community room having a floor area provided at a rate of 10 square feet per dwelling unit. In addition, fully equipped facilities, including but not limited to game rooms, arts and crafts rooms, fully equipped kitchen, office space and service facilities, shall be provided in the clubhouse. One off-street parking space shall be provided for each four dwelling units.
- (14) Minimum landscaped or natural buffer area or conservation easement along tract boundary: 25 feet wide.
- (15) (Reserved)⁴³
- (16) Lighting standards for outdoor parking areas shall be a maximum 20 feet high with illumination and shall be reflected away from windows of the dwelling units and from any nearby residences in order to minimize the impact of such lighting on the residents in the dwelling units.
- (17) No dwelling units shall be permitted in any basement or garage area.
- (18) A minimum of 500 square feet shall be provided for building and grounds maintenance and repair shop with storage.
- (19) All units constructed shall be designed to accommodate a barrier-free life-style and shall comply with all applicable federal and state minimum design standards for barrier-free dwelling units, pursuant to the Americans with Disabilities Act. Alarm switches shall be installed in each dwelling unit to summon aid in an emergency. The switches shall be located at least in the bedroom and bathroom. The switches shall be connected to illuminate an audio and visual signal in a central location.
- (20) Storage space. A minimum of 80 square feet of gross floor area of storage space shall be provided within the floor plan design of each senior dwelling unit.
- (21) The size and arrangement of bathrooms and fixtures therein shall be adequate for the convenient use of older persons. The floor finish shall be impervious to water, have nonslip characteristics and slope inward. The threshold of the bathroom shall be flush with the floor. All plumbing fixtures, accessories and trim shall be selected for and provide the maximum contribution to the safety, convenience and aid to older persons. Grab bars shall be provided beside toilets and in bathtubs and/or shower stalls. Shower stalls will include a built-in seat or bench or sufficient space for a bath stool.
- (22) The bedroom distribution for low- and moderate-income units shall comply with the rules and procedures (N.J.A.C. 5:93-1 et seq. and all subsequent amendments

43. Editor's Note: Former § 40-132.1A(15), Affordability, was repealed 7-12-1995 by Ord. No. 16-1995 and 8-23-1995 by Ord. No. 18-1995. See now Ch. 17A, Affordable Housing, of the Code of the Borough of Helmetta.

and revisions thereto) promulgated by the New Jersey Council on Affordable Housing.

- B. The bulk requirements for this district or zone shall, in addition to the requirements set forth herein, also be governed where applicable by Chapter 17A of the Code of the Borough of Helmetta entitled "Affordable Housing." [Added 7-12-1995 by Ord. No. 16-1995; amended 8-23-1995 by Ord. No. 18-1995]

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§ 40-132.2. R-6 Single-Family Residential Zone. [Added 8-23-1995 by Ord. No. 18-1995]

The following regulations shall apply in the R-6 Single-Family Residential Zone:

- A. Permitted principal uses:
- (1) Single-family detached dwellings.
- B. Permitted accessory uses:
- (1) Private garage space for the storage of motor vehicles.
 - (2) Greenhouses, toolsheds and other similar structures.
 - (3) Private recreational facilities such as, but not limited to, swimming pools and tennis courts, provided that these areas shall be noncommercial.
 - (4) Fences, walls and hedges.
 - (5) Storage sheds of 10 feet in width by 10 feet in length by seven and one-half feet in height, which provide for a two-foot side and rear yard offset.
- C. Conditional uses:
- (1) Public utility facilities required to provide the direct service of the utility to the consumers, such as transformers and pumping stations, but excluding warehouses, service or storage and treatment yards and offices.
- D. Bulk regulations. The requirements for this district or zone of lot area and width, yard dimensions, building coverage and height are listed in the bulk schedule attached and made part of this chapter for the R-6 Zone.⁴⁴
- E. Prohibited uses:
- (1) All nonresidential uses such as, but not limited to, professional offices and institutional, commercial, industrial and educational uses, including signs.
 - (2) All residential uses not specifically permitted in this zone.
- F. Parking. Off-street parking space with appropriate access thereto shall be provided on the same lot it is intended to serve, in accordance with the following minimum standards:

44. Editor's Note: The Zoning Bulk Schedule Requirements is included at the end of this chapter.

- (1) Single-family detached dwelling; two off-street parking spaces for each dwelling unit.
- G. Permitted signs. Same as regulated at § 40-132g(1) through (5).
- H. Additional regulations. [Amended 8-23-1995 by Ord. No. 19-1995]
- (1) The minimum average lot size shall be 7,200 square feet throughout the proposed development.
- (2) In any development of four or more lots within this zone, there shall be a mix of bedroom options within the development which shall yield a ratio of 75% three-bedroom units and 25% four-bedroom units.
- I. The bulk requirements for this district or zone shall, in addition to the requirements set forth herein, also be governed where applicable by Chapter 17A of the Code of the Borough of Helmetta entitled "Affordable Housing." [Amended 8-23-1995 by Ord. No. 19-1995]

§ 40-133. RM-GF Garden Flat Residential Zone. *Heather Glen*

The following regulations shall apply in the RM-GF Residential Zone:

- A. Permitted principal uses:
- (1) Garden flat dwelling units.
- B. Permitted accessory uses:
- (1) Off-street parking garages and parking lots for required parking.
- (2) Private recreational and social facilities, such as but not limited to swimming pools, tennis courts and club houses, provided that these uses shall be noncommercial and limited to the sole use of residents and their guests.
- C. Conditional uses:
- (1) Public utility facilities required to provide the direct service of the utility to the consumers, such as transformers and pumping stations, but excluding warehouses, service or storage and treatment yards and offices.
- D. Bulk regulations.
- (1) The requirements for this district of lot area and width, yard dimensions and lot coverage and height are listed in the bulk schedule attached and part of this chapter⁴⁵ or, where applicable, in Chapter 17A of the Code of the Borough of Helmetta entitled "Affordable Housing." [Amended 7-12-1995 by Ord. No. 16-1995; 8-23-1995 by Ord. No. 18-1995]

45. Editor's Note: The Zoning Bulk Schedule Requirements is included at the end of this chapter.

- (a) Garden flat dwellings: as regulated by the RM-GF Zone.
- (2) Other RM-GF bulk regulations shall be as follows:
 - (a) Minimum building setback from an exterior tract boundary: 50 feet.
 - (b) Minimum buffer width along exterior tract boundary: 50 feet.
 - (c) Maximum gross density: eight dwelling units per acre.
 - (d) Minimum building setback from street line: 15 feet.
 - (e) Minimum building setback from any parking area: 10 feet.
 - (f) Minimum one side yard: 17 1/2 feet.
 - (g) Minimum two side yards: 35 feet.
 - (h) Minimum distance between principal buildings: 35 feet between nonwindow walls and 90 feet between window walls.
- E. Prohibited uses:
 - (1) All nonresidential uses, such as but not limited to institutional, commercial and industrial uses.
 - (2) All residential uses not specifically permitted in this zone including but not limited to any for-profit or non-profit, non-commercial use such as the temporary or permanent
Boarding, foster or rescue care of domestic animals.
- F. Regulations for garden apartments flats.
 - (1) Development application shall be made in full compliance with the Borough of Helmetta Subdivision and Site Plan Ordinance.⁴⁶
 - (2) The maximum density of dwelling units in a garden flat development shall not exceed 10 units per acre for the total lot area.
 - (3) No more than 10 first-floor dwelling units shall be contained in any one continuous structure, not to exceed 200 feet in structural length.
 - (4) Garden apartment structures may be grouped with architectural design consistent in each structure. A minimum four-foot building offset shall be required every two doors.
 - (5) Where practical, the design layout of garden apartment structures shall be such that the front of one residential building or structure does not face the rear of another such building or structure or the rear of buildings or structures on adjoining properties unless 200 feet distant therefrom.
 - (6) No basement or attic apartments shall be permitted.

46. Editor's Note: The Site Plan is available in the office of the Borough Clerk.

- (7) Every dwelling unit shall have a minimum gross floor area in accordance with the following:
 - (a) One-bedroom unit: 950 square feet.
 - (b) Two-bedroom unit: 1,100 square feet.
- (8) There shall be a landscaped buffer strip consisting primarily of evergreen trees. The buffer strip shall be provided along all interior lot lines and also adjacent to exterior lot lines. The buffer shall be a minimum width of 10 feet. Planting material shall be at least six feet high at the time of planting, and it shall be the responsibility of the owner or developer to carry out this program and to promote such maintenance and care as is required to obtain the effect intended by the original plan.
- (9) All areas not devoted to structures, parking areas and other required uses shall be appropriately landscaped in accordance with an approved landscape plan. Wherever possible, natural features shall be preserved. Landscaped areas shall be maintained by and at the expense of the owner.
- (10) The following open space requirements shall be met.
 - (a) A minimum of 25% of the total predevelopment parcel area shall be devoted to open space, at least 10% of which shall be developed for active and passive recreation usage.
 - (b) Recreation areas may include, but are not limited to, swimming pools and related facilities, bicycle and walk paths, tennis courts or other appropriate facilities.
 - (c) For purposes of this provision, open space shall be exclusive of required front, side and rear yards, driveways, parking areas or loading or storage areas and shall be maintained exclusively for residents of the site.
 - (d) Such space shall not be located closer than 20 feet from a public street, interior road or driveway.
- (11) All streets, roads and driveways shall be constructed and maintained in accordance with municipal requirements.
- (12) The owner or developer, at his expense, shall provide for the storage and collection of garbage, shall maintain in a sanitary condition adequate concealed garbage containers and shall be responsible for the removal of garbage from the premises. The owner or developer shall also make provisions for all maintenance and repair services required by the development.
- (13) All proposed developments shall be of maintenance-free materials with masonry exterior walls.
- (14) All garden apartment developments shall be served by public water and sanitary sewer lines, the plans for which shall be approved by the Borough Engineer prior to the issuance of a building permit.

- (15) All utilities necessary to serve garden apartment developments shall be installed and underground.
- (16) No freestanding accessory structures shall be permitted other than those associated with community and/or recreational facilities or maintenance of the development. Any freestanding accessory structures shall be erected only in accordance with the approved site plan for the development.
- (17) The maximum net density permitted shall not exceed 10 dwelling units per acre of the proposed residential cluster.
- (18) A specific affordable housing set-aside of 5% of all residential units created within this zone shall be made available to low- and moderate-income families in a methodology consistent with the rules of the New Jersey Council on Affordable Housing.

G. Permitted signs:

- (1) One project identification sign, nonilluminated, to identify the project/complex name, not exceeding a maximum of 24 square feet on all surfaces, not more than eight feet long, with a maximum height above finished grade level of seven feet. All such signs shall not be located within any required street or driveway sight triangle area. All such signs shall be provided with a monument-style base within planter area.
- (2) One temporary project construction advertisement sign with maximum dimensions of four feet in height by eight feet in width may be permitted on the project site. Such sign shall be removed at the issuance of the last certificate of occupancy.

H. Parking. Off-street parking space with appropriate access thereto shall be provided on the same lot or tract it is intended to serve, in accordance with the following minimum standards:

- (1) Garden flat dwellings: 2.2 parking spaces for each dwelling unit.

§ 40-134. RM-T Townhouse Residential Zone.

The following regulations shall apply in the RM-T Residential Zone:

A. Permitted principal uses:

- (1) Townhouse dwelling units.

B. Permitted accessory uses:

- (1) Private garage space and parking area for the storage of motor vehicles.
- (2) Private recreational facilities, such as but not limited to swimming pools and tennis courts, provided that these uses shall be noncommercial.

C. Conditional uses:

- (1) Public safety facilities and public utility facilities required to provide the direct service of the utility to the consumers, such as transformers and pumping stations, but excluding warehouses, service or storage and treatment yards and offices.

D. Bulk regulations:

- (1) The requirements for this district of lot area and width, yard dimensions and building coverage and height are listed in the bulk schedule attached to and part of this chapter⁴⁷ or, where applicable, in Chapter 17A of the Code of the Borough of Helmetta entitled "Affordable Housing." [Amended 7-12-1995 by Ord. No. 16-1995; 8-23-1995 by Ord. No. 18-1995]
 - (a) Townhouses: as regulated by the RM-T Zone.
 - (b) Single-family detached dwellings: as regulated by the R-10 Single-Family Residential Zone.
- (2) Other RM-T bulk regulations.
 - (a) Minimum building setback from an exterior tract boundary: 50 feet.
 - (b) Minimum front yard setback: 25 feet.
 - (c) Minimum rear yard setback: 25 feet.
 - (d) Minimum distance between buildings: 35 feet between nonwindow walls and 90 feet between window walls.
 - (e) Minimum building setback from an interior street line: 25 feet.

E. Regulations for townhouses.

- (1) The development application shall be made in full compliance with the Borough of Helmetta Subdivision and Site Plan Ordinance.⁴⁸
- (2) The maximum density of dwelling units in a townhouse development shall not exceed eight units per acre for the total lot area.
- (3) The minimum width of any townhouse shall be 20 feet.
- (4) No more than eight townhouse units shall constitute a townhouse row or attached row of units in one building.
- (5) The townhouses shall be constructed in a staggered fashion so that the front wall of every two townhouse units is a minimum of four feet from the front building line of the two townhouse units on either side.
- (6) Each townhouse unit shall have two means of entrance and exit separate and apart from that of any other unit.

47. Editor's Note: The Zoning Bulk Schedule Requirements is included at the end of this chapter.

48. Editor's Note: The Site Plan is available in the office of the Borough Clerk.

- (7) Each townhouse unit shall have two exterior walls with window access to light and air.
- (8) Every dwelling unit shall have a minimum gross floor area in accordance with the following:
 - (a) One-bedroom unit: 1,000 square feet.
 - (b) Two-bedroom unit: 1,250 square feet.
- (9) The following open space requirements shall be met.
 - (a) A minimum of 25% of the total predevelopment parcel area shall be devoted to open space.
 - (b) At least 10% of the total site shall be developed active and passive recreation facilities.
 - (c) Recreation areas may include, but are not limited to, swimming pools and related facilities, bicycle and walk paths, tennis courts or other appropriate facilities.
 - (d) For purposes of this provision, open space shall be exclusive of required front, side and rear yards, driveways, parking areas or loading or storage areas and shall be maintained exclusively for residents of the site.
 - (e) Such space shall not be located closer than 20 feet from a public street, interior road or driveway.
- (10) A planted buffer area shall be provided along exterior lot lines. The buffer shall be a minimum width of 10 feet. Planting material shall be at least six feet in height at the time of planting.
- (11) All areas not devoted to structures, parking areas and other required uses shall be landscaped in accordance with an approved landscape plan. Wherever possible, natural features shall be preserved.
- (12) Off-street parking spaces for units shall be provided in parking areas located within 50 feet of each dwelling unit. Parking areas, driveways and walkways shall be illuminated, screened and buffered with shade trees and evergreens.
- (13) All streets, roads, driveways and other public improvements shall be constructed and maintained in accordance with the Borough of Helmetta Subdivision and Site Plan Ordinance.⁴⁹
- (14) All townhouse units shall be served by public water and sanitary sewer lines, the plans for which shall be approved by the Borough Engineer prior to the issuance of a building permit.
- (15) All utilities necessary to serve the townhouse units shall be installed underground.

49. Editor's Note: The Site Plan is available in the office of the Borough Clerk.

- (16) The maximum net density permitted shall not exceed 10 dwelling units per acre of the proposed residential cluster.
- (17) Prior to approval of any application for a multifamily development in this zone, the applicant, through licensed professional expertise, shall submit an environmental impact report, prepared in conformance with § 40-88 of this chapter, and shall additionally provide by mapping an outbound survey of all areas found to be environmentally or ecologically sensitive. Further, soil tests, based upon laboratory analysis of both test pits and test borings, shall be provided.
- (18) A specific affordable housing set-aside of 5% of all residential units created within this zone shall be made available to low- and moderate-income families in a methodology consistent with the rules of the New Jersey Council on Affordable Housing.

F. Prohibited uses:

- (1) All nonresidential uses such as, but not limited to, professional offices, institutional, commercial and industrial uses, including signs.
- (2) All residential uses not specifically permitted in this zone including but not limited to any for-profit or non-profit, non-commercial use such as the temporary or permanent boarding, foster or rescue care of domestic animals.

G. Permitted signs:

- (1) All signs as specified for the single-family residential zones.
- (2) All signs as specified in the RM-GF Zone.

H. Parking. Off-street parking space with appropriate access thereto shall be provided on the same lot or tract it is intended to serve, in accordance with the following minimum standards:

- (1) Townhouse dwelling: two off-street parking spaces per dwelling unit.
- (2) Single-family dwellings: two off-street parking spaces per dwelling unit.

§ 40-135. RM-M Multiplex Residential Zone. *Regency Walk*

The following regulations shall apply in the RM-M Residential Zone:

A. Permitted principal uses:

- (1) Townhouse dwelling units.
- (2) Eight-unit multifamily dwellings.
- (3) Four-unit multifamily dwellings.
- (4) Two-family residential dwelling units.

B. Permitted accessory uses:

- (1) Private garage space and parking area for the storage of motor vehicles.
- (2) Private recreational facilities, such as but not limited to, swimming pools and tennis courts, provided that these uses shall be noncommercial.

C. Conditional uses.

- (1) Public utility facilities required to provide the direct service of the utility to the consumers, such as transformers and pumping stations, but excluding warehouses, service or storage and treatment yards and offices.
- (2) Senior citizen housing pursuant to § 40-132.1 of this chapter. [Added 4-26-1995 by Ord. No. 8-1995]

D. Bulk regulations.

- (1) The requirements for this district of lot area and width, yard dimensions and building coverage and height are listed in the bulk schedule attached to and part of this chapter⁵⁰ for the RM-M Zone or, where applicable, in Chapter 17A of the Code of the Borough of Helmetta entitled "Affordable Housing." [Amended 7-12-1995 by Ord. No. 16-1995]
 - (a) Townhouses: as regulated by the RM-T Zone.
 - (b) Four- and eight-unit multifamily dwellings: as regulated by the townhouse zone.
 - (c) Town family dwellings: as regulated by the RB Zone.
- (2) Other RM-T bulk regulations.
 - (a) A minimum of 33% of gross project area shall be left as open space.
 - (b) The maximum permitted gross project density shall be 4.67 dwelling units per acre.
 - (c) The maximum permitted net project density shall be 6.5 dwelling units per acre.
 - (d) There shall be provided a minimum fifty-foot wide planted buffer along all exterior lot lines of the entire project. Plantings within this buffer shall be in conformance with buffer standards of this chapter.
 - (e) All off-street parking areas shall provide a minimum ten-foot setback from all roadway pavement lines.
 - (f) There shall be a minimum of two means of vehicle access to all points within the residential development for purposes of emergency response.
 - (g) A specific affordable housing set-aside of 5% of all residential units created within this zone shall be made available to low- and moderate-income

⁵⁰. Editor's Note: The Zoning Bulk Schedule Requirements is included at the end of this chapter.

families in a methodology consistent with the rules of the New Jersey Council on Affordable Housing.

- (h) Off-street parking spaces for units shall be provided in parking areas located within 100 feet of each dwelling unit. Parking areas, driveways and walkways shall be illuminated, screened and buffered with shade trees and evergreens.
- (i) All streets, roads, driveways and other public improvements shall be constructed and maintained in accordance with Articles XI and XII of this chapter.
- (j) All townhouse units shall be served by public water and sanitary sewer lines, the plans for which shall be approved by the Borough Engineer prior to the issuance of a building permit. All utilities necessary to serve the townhouse units shall be installed and underground.
- (k) Each individual structure shall provide a minimum twenty-five-foot building setback from all public and/or private roadways.
- (l) Recreational facilities shall be provided on-site and shall include as a minimum: tot lot facilities and a jogging trail.

E. Prohibited uses:

- (2) All residential uses not specifically permitted in this zone including but not limited to any for-profit or not-profit, non-commercial use such as the temporary or permanent boarding, foster or rescue care of domestic animals.

F. Parking. Off-street parking space with appropriate access thereto shall be provided on the same lot or tract it is intended to serve, in accordance with the following minimum standards.

- (1) Townhouse dwelling: two off-street parking spaces per dwelling unit.
- (2) Four- and eight-unit multifamily dwelling: two off-street parking spaces per dwelling unit.
- (3) Two-family planned dwelling: two off-street parking spaces per dwelling.

G. Permitted signs:

- (1) All signs as specified in the RM-GF Zone.

§ 40-136. RM-C Townhouse and Condominium Residential Zone.

The following regulations shall apply in the RM-C Residential Zone:

- A. Permitted principal uses:
- (1) Townhouse dwelling units.
 - (2) Condominium dwelling units.
- B. Permitted accessory uses:
- (1) Private garage space and parking area for the storage of motor vehicles.
 - (2) Private recreational facilities, such as but not limited to swimming pools and tennis courts, provided that these uses shall be noncommercial and that all lighting shall be directed from all adjacent lots.
- C. Conditional uses:
- (1) Public utility facilities required to provide the direct service of the utility to the consumers, such as transformers and pumping stations, but excluding warehouses, service or storage and treatment yards and offices.
- D. Bulk regulations. The requirements for this district of lot area and width, yard dimensions and building coverage and height are listed in the bulk schedule attached to and part of this chapter⁵¹ under the RM-C Zone or, where applicable, in Chapter 17A of the Code of the Borough of Helmetta entitled "Affordable Housing." [Amended 7-12-1995 by Ord. No. 16-1995]
- (1) Townhouses: as regulated by the RM-T Zone.
 - (2) Condominiums: as regulated by the garden flat condominium zone.
 - (3) The maximum number of two-bedroom units shall be 40%; the minimum number of one-bedroom units shall be 60% of the total proposed number of dwelling units.
 - (4) Each unit shall have two exterior walls with window access to light and air.
 - (5) Every dwelling unit shall have a suggested minimum gross floor area in accordance with the following:
 - (a) One-bedroom unit: 1,000 square feet.
 - (b) Two-bedroom unit: 1,250 square feet.
 - (6) A minimum of 25% of the total site area shall be devoted to open space.
 - (7) For purposes of this provision, open space shall be exclusive of required front, side and rear yards, driveways, parking areas or loading or storage areas and shall be maintained exclusively for residents of the site. All required open space and recreation areas shall be fully contiguous and accessible to the residential development to which it serves.

51. Editor's Note: The Zoning Bulk Schedule Requirements is included at the end of this chapter.

- (8) Such open space shall not be located closer than 20 feet from a public street, interior road or driveway.
- (9) A planted buffer area shall be provided along exterior lot lines. The buffer shall be a minimum width of 25 feet. Planting material shall be at least six feet in height at the time of planting and supplemented by a six-foot high stockade fence.
- (10) All areas not devoted to structures, parking areas and other required uses shall be landscaped in accordance with an approved landscape plan. Wherever possible, natural features shall be preserved.
- (11) Off-street parking spaces for units shall be provided in parking areas located within 50 feet of each dwelling unit. Parking areas, driveways and walkways shall be illuminated, screened and buffered with shade trees and evergreens.
- (12) All streets, roads, driveways and other public improvements shall be constructed and maintained in accordance with this chapter.
- (13) All units shall be served by public water and sanitary sewer lines, the plans for which shall be approved by the Borough Engineer prior to the issuance of a building permit.
- (14) All utilities necessary to serve the townhouse units shall be installed underground.
- (15) No development shall be permitted within any land area deemed to be environmentally sensitive, based upon the findings of fact by the reviewing board as a result of its analysis and review of the submitted environmental assessment statement.
- (16) A specific affordable housing set-aside of five percent of all residential units created within this zone shall be made available for low- and moderate-income families in a methodology consistent with the rules of the New Jersey Council on Affordable Housing.
- (17) The maximum gross density of dwelling units in a townhouse development shall not exceed 9.5 units per acre for the total lot area.
- (18) The maximum net density permitted shall not exceed 11 dwelling units per acre of the proposed residential cluster.
- (19) Two separate means of access shall be provided to each development for the purpose of ensuring emergency apparatus response.

E. Prohibited uses:

- (2) All residential uses not specifically permitted in this zone including but not limited to any for-profit or non-profit, non-commercial use such as the temporary or permanent boarding, foster or rescue care of domestic animals.

F. **Parking.** Off-street parking space with appropriate access thereto shall be provided on the same lot or tract it is intended to serve, in accordance with the following minimum standards:

- (1) Townhouse dwelling: two (2) off-street parking spaces per dwelling unit.
- (2) Condominium: two (2) off-street parking spaces per dwelling.

G. **Permitted signs:**

- (1) All signs as specified in the RM-GF Residential Zone.

§ 40-137. Purpose of commercial districts.

Commercial districts are hereby established in order to achieve the general goals as stated in Article II and for the following specific purposes:

- A. To encourage the tendency of commercial development to cluster to the mutual advantage of both customers and merchants and thus to promote public convenience, prosperity and welfare.
- B. To protect commercial development against the establishment of uses which would create hazards, offensive noise, vibrations, smoke, dust, odors, heat, glare and other objectionable influence.
- C. To protect commercial development against congestion as far as is possible and appropriate in each area by limiting the bulk of buildings in relation to the land around them and to one another.

§ 40-138. B-1 Retail Business Zone.

The following regulations shall apply in the B-1 Retail Business Zone:

A. **Permitted principal uses:**

- (1) Retail businesses.
- (2) Personal service establishments.
- (3) Business, professional and governmental offices.
- (4) Instruction and supply sales.
- (5) Professional and business schools.
- (6) Restaurants (except drive-in food or fast-food sales).

B. **Permitted accessory uses:**

- (1) Off-street parking spaces.
- (2) Off-street loading spaces.

- (3) Business, professional and governmental offices above commercial uses, and offices not occupying more than 49% of total combined floor area.
- (4) Storage of goods under roof and enclosed, incidental to conduct of the principal commercial activity, not involving storage of hazardous, toxic, flammable or combustible materials.

C. Conditional uses:

- (1) Churches, synagogues and other similar places of worship and parish houses, convents or other church-related activity.
- (2) Public utility facilities required to provide the direct service of the utility to the consumers, such as transformers and pumping stations, but excluding warehouses, service or storage and treatment yards.
- (3) Gasoline filling stations.
- (4) Automobile and truck repair.
- (5) Public parks and playgrounds and buildings and grounds necessary for the provision of municipal services, but not including workshops, warehouses, garages and storage yards.
- (6) Banks.
- (7) Convenience retail stores and mini-marts.

D. Bulk regulations. The requirements of this district of lot area and width, yard dimensions and building coverage and height are listed in the bulk schedule attached to and part of this chapter for the B-1 Zone.⁵²

E. Prohibited uses:

- (1) All residential, service, commercial or industrial uses not specifically permitted in this zone.
- (2) Any process or storage use that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, gas fumes, noise, vibration or similar substances or conditions.
- (3) Billboards or signs painted upon the exterior side or rear walls of any principal or accessory building or structure.
- (4) Arcades and amusement centers where more than 10% of the retail floor area of the business is occupied by any of the following, exclusively or combined: pool tables, pinball, electronic games and/or other amusement machines or devices of any kind. This prohibition includes, but is not limited to, machines and/or devices requiring electric current to be operable. Nothing herein shall be construed to bar

52. Editor's Note: The Zoning Bulk Schedule Requirements is included at the end of this chapter.

the installation of the aforesaid games and amusements in a retail business establishment otherwise unrelated to the operation of such device.

- (5) Any industrial process, manufacture, assembly or treatment.
- (6) Fast-food drive-in and take out restaurants.

F. Off-street parking and loading:

- (1) Off-street parking facilities, in addition to all other parking and off-street facilities required, on the basis of two spaces for every dwelling unit, in accordance with the provisions of this section, shall be created at an on-site location.
- (2) For permitted retail business office and service establishments, one parking space for each 200 square feet of gross floor area of the establishment shall be created at an on-site location.
- (3) Off-street loading berths for all retail business and service establishments having a gross floor area in excess of 10,000 square feet shall have one loading space for every 10,000 square feet or fraction thereof of gross floor area.
- (4) Public and private parking lots are permitted.
- (5) For banks and medical office uses, one space for each 100 square feet of gross floor area shall be created at an on-site location.

G. Additional regulations.

- (1) Where a use abuts a residential property or use or zone, there shall be a landscaped buffer strip along the perimeter of the property where it is adjacent to such residential property or zone. Such buffer strip shall be at least ten (10) feet in depth measured from the residential property line. The ten-foot width of the buffer strip shall be used as a planting strip on which shall be placed a fence and plant material (trees, shrubs, plants) four and one-half (4 1/2) to six (6) feet in height. At least fifty percent (50%) of all planted materials shall be of evergreen species.
- (2) All elevators included in any project within this zone shall provide adequate width and length within the elevator car and shall provide adequate elevator door width for use by any and all stretchers and such other victim-transport utensils or other devices used by the Helmetta emergency services agencies.

H. Permitted signs:

- (1) Illuminated nonflashing business signs, provided that the total area of any sign shall not exceed fifty (50) square feet.
- (2) One (1) nonilluminated professional nameplate sign situated within the property line and not exceeding one (1) square foot in area on any one (1) side.
- (3) One (1) nonflashing, nonilluminated temporary sign pertaining to the lease or sale on the same lot or building upon which it is placed, situated within the property lines and the premises to which it relates and not exceeding four (4) square feet on

any one (1) side. The sign must be removed from the premises within two (2) days after the property has been sold.

- (4) No neon sign or similar illuminated advertisements shall be of such a color or located in such a fashion as to diminish or detract in any way from the effectiveness of any traffic signal or similar official safety or warning device.

§ 40-139. O-C Office Commercial Zone.

The following regulations shall apply in the O-C Office Commercial Zone:

A. Permitted principal uses:

- (1) Professional and business offices.
- (2) Offices for practicing physicians, dentists and other professions dealing in the medical profession.
- (3) Surgical and medical supply firms, hospitals and sickroom sales and rental operations, office supply stores and stationery shops.
- (4) Pharmacies and commercial drug stores.
- (5) Florists, card shops, gift shops, restaurants and uniform clothing stores.
- (6) Retail business and personal service establishments which are clearly identified in the B-1 Retail Business Zone.
- (7) Banks and fiduciary institutions.

B. Permitted accessory uses:

- (1) Off-street parking lots and parking garages.
- (2) Off-street loading and ramp areas.
- (3) Storage of goods incidental to the conduct of a retail business, not involving the storage of hazardous, toxic, flammable or combustible materials.
- (4) Fences, walls and hedges.

C. Conditional uses, permitted upon application and approval of the Planning Board:

- (1) All conditional uses as specified in the B-1 Retail Business Zone.

D. Bulk regulations. As specified in the bulk schedule attached to and made part of this chapter.⁵³

E. Off-street parking and loading:

53. Editor's Note: The Zoning Bulk Schedule Requirements is included at the end of this chapter.

- (1) For medical professional offices, clinics, laboratories and diagnostic centers, off-street parking at the rate of three (3) off-street parking spaces for each permanent staff member or one (1) parking space for each one hundred (100) square feet of gross floor area, whichever is greater.
- (2) Off-street loading berths for all retail and commercial establishments at the rate of one (1) loading berth for each ten thousand (10,000) square feet or fraction thereof of gross floor area.
- (3) For hotels and motels, one (1) off-street parking space for each rental unit and one (1) space for two (2) employees.
- (4) For banks, one (1) space for each one hundred (100) square feet of gross floor area.
- (5) For permitted business, office and service establishments, one (1) parking space for each three hundred (300) square feet of gross floor area.

F. Additional regulations.

- (1) All areas not devoted to structures, parking areas or other required uses shall be landscaped and maintained. Wherever possible, natural features shall be preserved. Landscaped area shall be maintained at the expense of the owner.
- (2) A buffer area shall be provided at least fifty (50) feet in width where adjoining a residential zone or residential use. The buffer area shall be suitably graded and planted or attractively surfaced and shall contain within such massed evergreen shrubbing of at least five and one-half (5 1/2) feet in height and of such species as will produce within two (2) growing seasons a screen of at least six (6) feet in height.

G. Prohibited uses:

- (1) Any use that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, fumes, noise, vibrations or similar nuisance substance or conditions.
- (2) Any use not contained within the permitted principal, accessory or conditional uses of this district.
- (3) Billboards or signs painted upon the side or rear exterior walls of any principal or accessory building or structure.
- (4) All residential, service, retail, commercial or industrial uses not specifically permitted in this zone.
- (5) Fast-food carry-out or drive-in type restaurants, junkyards and convenience retail stores.

H. Permitted signs:

- (1) One (1) nonflashing, nonilluminated sign indicating permitted professional offices, provided that such signs shall not exceed three (3) square feet.
- (2) One (1) sign shall be permitted for each permitted use and may be an illuminated business sign, provided that the total area of any such sign shall not exceed fifty (50) square feet. Such signs shall be displayed so as not to project more than fifteen (15) inches from the surface of the building or beyond the ends of the building.
- (3) Accessory business signs as permitted by the Building Code⁵⁴ and this chapter.
- (4) Identification signs. Freestanding signs may be erected to identify a professional office building and to list individual occupants, provided that not more than one (1) such sign shall be erected for each five hundred (500) feet of frontage on a public street; and further provided that the aggregate area of any such sign shall not exceed one hundred fifty (150) square feet. Such signs may be illuminated, but shall not be of the flashing type, shall not exceed the height of the principal building, shall not be located within twenty-five (25) feet of a public street or parking area driveway or within two hundred (200) feet of the boundary of a residence zone and shall in no way interfere with the safe functioning of any traffic control signal, directional device or sight distance.
- (5) Directional signs (ingress). One (1) freestanding sign may be erected at each driveway which provides a means of ingress for off-street parking facilities on the premises, relating only the name of the use of the facility and appropriate traffic instructions, and such sign shall not exceed five (5) square feet in area for each of two (2) faces, shall be mounted so as not to obstruct vision for a height of seven (7) feet above ground level and shall not exceed five (5) feet in height.
- (6) Directional signs (egress). Freestanding signs may be erected on the premises for the purpose of providing directions to traffic leaving the premises, and such signs shall not exceed five (5) square feet in area on each two (2) sides, shall be mounted so as not to obstruct vision for a height of seven (7) feet above ground level and shall not exceed five (5) feet in height.
- (7) Traffic control signs. Freestanding signs may be erected which are necessary to control and regulate the movement of traffic on the interior roadways on the premises, provided that the number and location of such signs are approved by the Planning Board. Such signs shall not exceed four (4) square feet in area and shall not exceed a height of five (5) feet.
- (8) Parking lot signs. Freestanding signs may be erected within the parking areas to identify particular areas or sections of the parking lot, provided that not more than one (1) such sign shall be permitted for each forty thousand (40,000) square feet of parking area; and further provided that such signs shall not exceed an area of three (3) square feet on each of four (4) faces nor exceed a height of twenty-five (25) feet. All of the above described signs must be mounted not less than ten (10) feet above the ground.

54. Editor's Note: See Ch. 29A, Construction Codes, Uniform.

§ 40-140. Purpose of the L-I Light Industrial Zone.

The Light Industrial Zone is created to achieve the following specific goals:

- A. To provide sufficient space in appropriate locations for attractive, modern, landscaped industrial complexes which do not create any hazards or create noise, vibrations, smoke, dust, odors, heat, glare and other objectionable influences, such as heavy trucking, which would be offensive to adjoining lands that require an environment free from these influences.
- B. To provide protection for nonindustrial zones or uses bordering the Light Industrial Zone or in close proximity thereto.

§ 40-141. L-I Light Industrial Zone.

The following regulations shall apply in the L-I Light Industrial Zone:

- A. Permitted principal uses:
 - (1) Business, professional and governmental offices.
 - (2) Research, experimental and testing laboratories.
 - √(3) Light industrial manufacturing, processing and assembling of products.
 - (4) Wholesale offices and showrooms with accessory storage of goods.
 - √(5) Warehousing of finished products and materials for distribution.
 - (6) Electrical, heating, ventilating, air-conditioning, plumbing and refrigeration equipment sales and service businesses.
 - (7) Computer and/or electronic assembly, services or rental.
- B. Permitted accessory uses:
 - (1) Off-street parking, loading and ramp area.
 - (2) The enclosed warehousing and storage of goods and products.
 - (3) Garage space necessary to store any vehicles on the premises.
 - (4) Railroad sidings and facilities.
- C. Conditional uses:
 - (1) Public utility facilities required to provide the direct service of the utility to the consumers.
 - (2) Senior citizen housing pursuant to § 40-114.2 of this chapter. [Added 4-26-1995 by Ord. No. 8-1995]
- D. Bulk regulations. The requirements of this district of lot area and width, yard dimensions and building coverage and height are listed in the bulk schedule attached to and part of

this chapter⁵⁵ for the L-1 Zone or, where applicable, in Chapter 17A of the Code of the Borough of Helmetta entitled "Affordable Housing." [Amended 7-12-1995 by Ord. No. 16-1995; 8-23-1995 by Ord. No. 18-1995]

E. Prohibited uses:

- (1) Residences of any type, except as provided in this chapter. [Amended 4-26-1995 by Ord. No. 8-1995]
- (2) Retail business of any type.
- (3) Religious institutions and schools and charitable and philanthropic institutions.
- (4) Heavy industries or any other use that creates substantial amounts of offensive noise, vibrations, smoke, dust, odors, bacteria, heat, glare or other objectionable influences and creates potential for danger to safety in the surrounding uses.
- (5) Refining, processing, distribution, transmission and storage of any gasoline or crude oil or the manufacture of bottled fuel gas or any of the principal products or by-products of the photochemical industry.
- (6) Billboards and painted exterior wall signs.
- (7) Storage tanks except when the material stored or storage of material is not the principal use of the site, but only provides for an ancillary or utility function and not a process function to the principal use.
- ✓(8) The manufacture of heavy chemicals, such as but not limited to mineral acids or other corrosives, ammonia, caustic soda and sulfuric acid.
- (9) The manufacture of cellulose products, resins, dye stuff, glue, vegetable, animal or mineral fats or oils, explosives, combustible gases, soap and other surfactants, fertilizers derived from animal originals, asphalt and tar products.
- (10) The manufacture or production of metals and alloys in ingot form or matches, paints, oils, varnishes, lacquer, rubber or rubber products.
- (11) The slaughtering, tanning and/or processing of animals or fowl.
- (12) The processing, sale, storage, auctioning or reclamation of junk of any kinds, including automobile wrecking and/or storing; or recyclable materials storage, processing or incineration.
- (13) Any use which may be toxic, lethal, hazardous, dangerous or injurious to the general health, safety and welfare of the general public.
- ✓(14) Any process or storage use that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, gas fumes, noise, vibration or similar substances or conditions.

55. Editor's Note: The Zoning Bulk Schedule Requirements is included at the end of this chapter.

- (15) The manufacturing or refining of asphalt; blast furnaces, boiler works and forge shops; the manufacture or processing of cork, fertilizer, linoleum or oil cloth and glue or gelatin; the tanning of hides and skins; slaughterhouses; or the manufacture of paint, oil and varnish.
 - (16) The manufacture or bulk storage of fireworks and explosives, illuminating gas or poisonous gases.
 - (17) Any use involving the storage or manufacture of radioactive or toxic biological materials.
 - (18) Arcades and amusement centers.
- F. Off-street parking and loading.
- (1) Off-street parking space with appropriate access thereto shall be provided on the same lot it is intended to serve, as follows:
 - (a) Three spaces for every 1,000 square feet of gross floor area of the establishment or one space for each two employees at the time of peak operation, whichever is greater, shall be provided.
 - (b) Not more than two two-way driveways as means of ingress and egress for parking areas shall be permitted for each 400 feet of frontage on a public street, nor shall any such driveway be located within 100 feet of the intersection of two public streets.
 - (c) Off-street parking areas for visitors and/or employees shall be designed to provide for a convenient flow of circulation.
 - (2) Truck loading and unloading areas shall be provided to permit the transfer of goods and products in other than a public street, off-street parking area or required front yard area, at the rate of one space for each 15,000 square feet of gross floor area.
 - (3) None of the above-mentioned off-street parking or off-street loading spaces may be applied to more than one requirement, nor may any site serve more than one function.
- G. Additional regulations.
- (1) All activities and processes shall take place within an enclosed building and incidental storage out-of-doors shall be shielded from view from public streets and adjacent off-street parking areas by fencing, landscaping or other appropriate measures at least 10 feet in height and five feet in width.
 - (2) A buffer area of 100 feet in width shall be established adjacent to any residential zone, except that wherever a lot is across the street from a residential zone, a buffer area of 50 feet from the front lot line shall be established. A buffer area of 50 feet in width shall be established adjacent to all other zones. Said buffer areas shall provide a minimum of 25 feet in width of densely planted evergreen species

spaced at five-foot centers to accomplish a minimum landscaped screen height of six feet, based upon a landscaping plan submitted for review and approval.

H. Permitted signs:

- (1) No sign which is not related to the use on the premises.
- (2) Illuminated nonflashing signs, provided that the total area of such signs does not exceed 100 square feet.
- (3) One temporary real estate sign not exceeding 50 square feet.

§ 40-142. Purpose of the Wetlands and Watershed Protection Zone.

The purpose of the Wetlands and Watershed Protection Zone is to preserve and protect the groundwater table and water recharge areas for water supply purposes, protection of the ecological systems and to protect the health, safety and welfare of the occupants of lands subject to seasonal or periodic flooding.

§ 40-143. Wetlands and Watershed Protection Zone.

The following regulations shall apply in the WS Wetlands and Watershed Protection Zone:

A. Permitted principal uses:

- (1) Public parks and playgrounds, including athletic fields and tennis courts, and other active or passive recreation facilities.
- (2) Customary agricultural uses, including the raising of field crops and livestock, except residential dwellings.

B. Permitted accessory uses:

- (1) Customary accessory structures for the principal use, such as bandstands and park maintenance equipment storage facilities, administration and security offices.

C. Conditional uses:

- (1) Public utility facilities required to provide the direct service of the utility to the consumers, such as transformers and pumping stations, but excluding warehouses, service or storage and treatment yards and offices.

D. Prohibited uses:

- (1) All uses, structures or buildings not specifically permitted in this zone, including but not limited to residential, commercial, industrial, professional office, quasi-public and institutional.

ARTICLE XVII
Compliance; Penalties; Enforcement

§ 40-144. Compliance required.

- A. All zoning requirements shall be met at the time of any erection, enlargement, moving or change in use. If a new structure is added to an existing complex of structures or if an existing structure has an addition, the site plan provisions of this chapter shall apply to the enlargement or new structure.
- B. All developments resulting from subdivision and site plan approvals shall comply with all the design and performance standards, including conditions imposed by the approving authority, as shown on the approved plat and/or included in the resolution adopted by the approving authority.

§ 40-145. Violations and penalties.

- A. In case any building or structure is erected, constructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this chapter or of any other ordinance or regulation made under authority conferred hereby, the proper local authorities of the municipality or an interested party, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.
- B. If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, as owner or agent, any land which forms a part of a subdivision for which municipal approval is required by ordinance pursuant to this chapter, such person shall be subject to a penalty not to exceed \$1,000, and each lot disposition so made may be deemed a separate violation as per N.J.S.A. 40:55D-55.
- C. In addition to the foregoing, the municipality may institute and maintain a civil action for injunctive relief and to set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with N.J.S.A. 40:55D-38. In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the developer or his assigns or successors to secure the return of any deposits made or purchase price paid, and also a reasonable search fee, survey expense and title-closing expense, if any. Any such action must be brought within two years after the date of the recording of the instrument of transfer, sale or conveyance of said land or within six years, if unrecorded.
- D. Penalties. For violation of any provision of this chapter, the maximum penalty upon conviction of the violation shall be a fine not exceeding \$1,000 or imprisonment in the county jail for a period not exceeding 90 days or both.

- E. Minimum penalty. For any violation of any provision of this chapter, a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not less than \$100.
- F. Separate violations. Except as otherwise provided, each and every day in which a violation of any provision of this chapter exists shall constitute a separate violation.

§ 40-146. Enforcing officers.

- A. It shall be the duty of the Zoning Officer to administer and enforce the zoning provisions of this chapter. No building permit shall be issued unless the plans are accompanied by an approved zoning permit. No zoning permit shall be issued unless the proposed structure, use, temporary activity and construction activities are in compliance with this chapter. In cases involving the new use of an existing structure, no certificate of occupancy for the new tenant shall be issued until a zoning permit has been issued.
- B. It shall be the duty of the Municipal Engineer to enforce the provisions for subdivision and site plan approvals.⁵⁶

56. Editor's Note: Former Art. XVIII, Affordable Housing Trust Fund, § 40-147, Affordable Housing Trust Fund, added 4-26-1995 by Ord. No. 8-1995, was repealed 7-12-1995 by Ord. No. 16-1995 and 8-23-1995 by Ord. No. 18-1995. See now Ch. 17A, Affordable Housing, of the Code of the Borough of Helmetta.



LAND DEVELOPMENT

Borough of Helmetta

Zoning Bulk Schedule Requirements (Part 2)

Regulation	RM-M	RM-C	District B-1	O-C	L-I
Minimum lot area	14 acres	14 acres	10,000 square feet	1 acre	2 acres
Minimum lot width (feet)	350	350	100	200	200
Minimum lot depth (feet)	350	350	100	200	400
Minimum front yard (feet)	100	50	25	50	50
Minimum 1 side yard (feet)	50	50	10	25	25
Minimum 2 side yards (feet)	100	100	20	50	50
Minimum rear yard (feet)	50	50	25	25	25
Maximum height					
Stories	2.5	3	2.5	3	4
Feet	30	38	35	40	50
Maximum building coverage (percent)	15	20	50	40	30
Maximum Impervious coverage (percent)	**	50	80	80	80
Maximum lot coverage (percent)	15	20	50	40	30
Minimum gross floor area (square feet)	1,200	1,200	-	-	-
Minimum off-street parking spaces	2	2	*	*	*
Minimum distance between buildings (feet)	**	**	20	25	50
Maximum dwelling units per acre	4.67	9.5	-	-	-
Maximum dwelling units per building	8	16	-	-	-
Minimum landscaping (percent)	10	10	10	10	10
Minimum percent of open space	33	25	-	-	-

Accessory Buildings

HELMETTA CODE

Regulation	RM-M	RM-C	District B-1	O-C	L-I
Minimum side yard (feet)*	**	**	5	25	25
Minimum rear yard (feet)*	**	**	5	25	25

NOTES:

*See specific zone requirements.

**See specific zone requirements as it applies to individual development.

***Storage sheds not to exceed 10 feet wide by 10 feet long by seven feet high.

LAND DEVELOPMENT

Borough of Helmetta

Schedule of Street Dimensions

	Alley (One-Way)	Cul-de-Sac	Minor	Collector	Minor Art.	Major Art.	Expressway
R.O.W. (right-of-way) widths (feet)	30	50	50	60	66	80	120
Paving widths (feet)	22	30	30	36	40	48	—
Number and width of traffic lanes	1 at 12 feet	2 at 11 feet	2 at 11 feet	2 at 11 feet	2 at 12 feet	2 to 4 at 12 feet	4 to 6 at 12 feet
Number and width of shoulder or parking lane	1 at 10 feet ¹	1 at 8 feet ¹	1 at 8 feet ¹	2 at 7 feet	2 at 8 feet	2 at 10 to 12 feet	2 at 13 feet
Width of divider (feet)	—	—	—	—	—	—	6 to 30
Curb radii at intersections (feet)	20	20	20	20	20	25	30
Tangents between reserve curves (feet)	100	100	100	200	200	300	300
Radii to inside curb on curves (feet)	100	100	100	500	500	1000	1000
Sight distance at center line (feet)	200	200	200	300	300	500	500
Maximum center line grades (percent)	10	10	10	8	8	5	5
Minimum center line grades (percent)	0.75	0.75	0.75	0.75	0.75	0.75	0.75
Cul-de-sac R.O.W. diameter (feet)	—	120	—	—	—	—	—

HELMETTA CODE

	Alley (One-Way)	Cul-de-Sac	Minor	Collector	Minor Art.	Major Art.	Expressway
Maximum grades at intersection 3% from distance of cross street (feet)	50	50	50	100	100	100	100
Cul-de-sac paving diameter (feet)	--	100	--	--	--	--	--

NOTES:

- ¹ Parking one side of the street only.
- ² Where, because of shape of tracts to be subdivided or topography, it is not feasible to adhere to a minimum diameter of 100 feet, the minimum pavement shall be widened as the radius decreases to accommodate the widened path of a turning vehicle, as follows:

Diameter (feet)	Added Pavement Width (feet)
100 +	0
75 to 99	2
50 to 74	6
25 to 49	10

LAND DEVELOPMENT

Borough of Helmetta

Average Maintained Horizontal Illumination

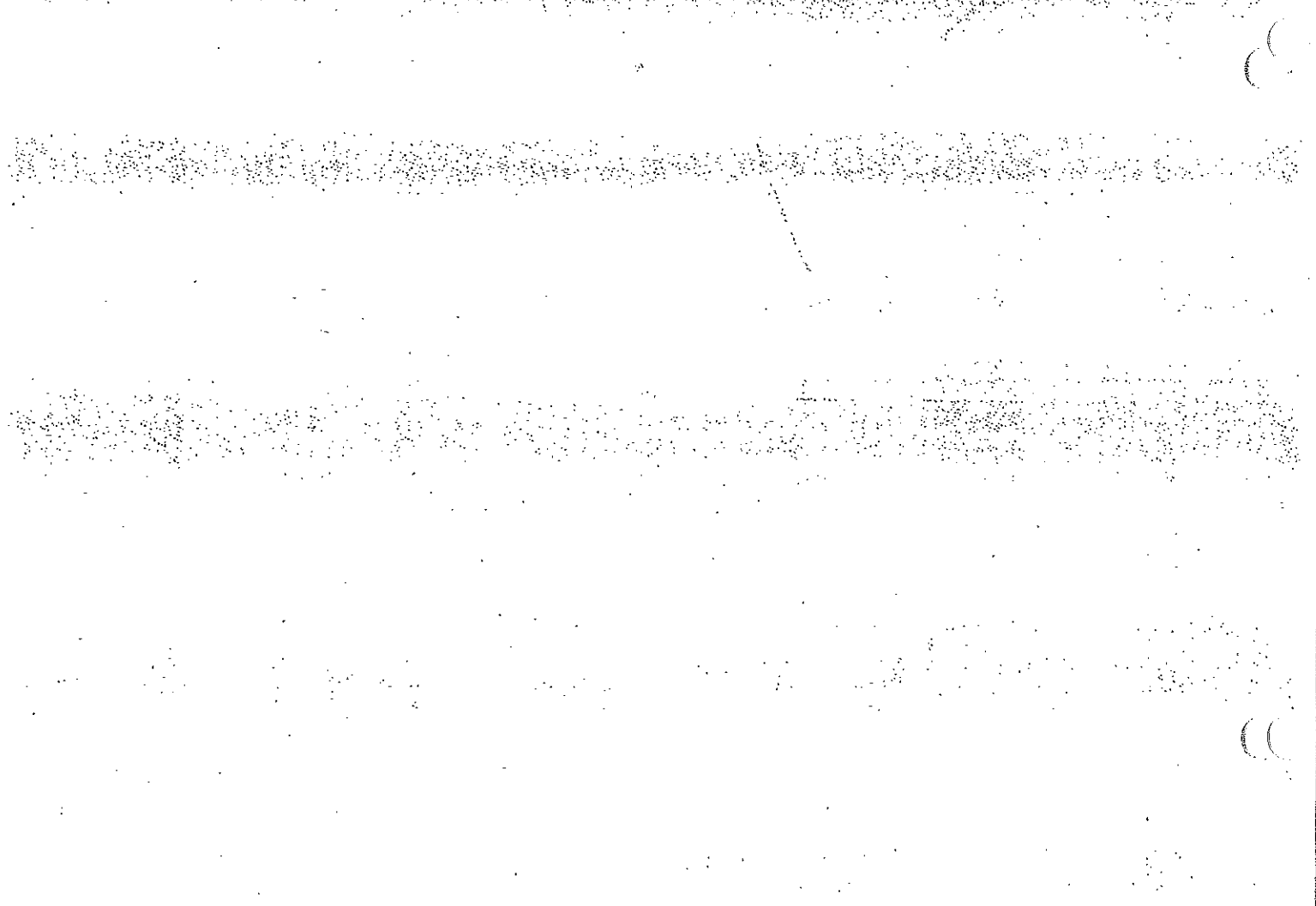
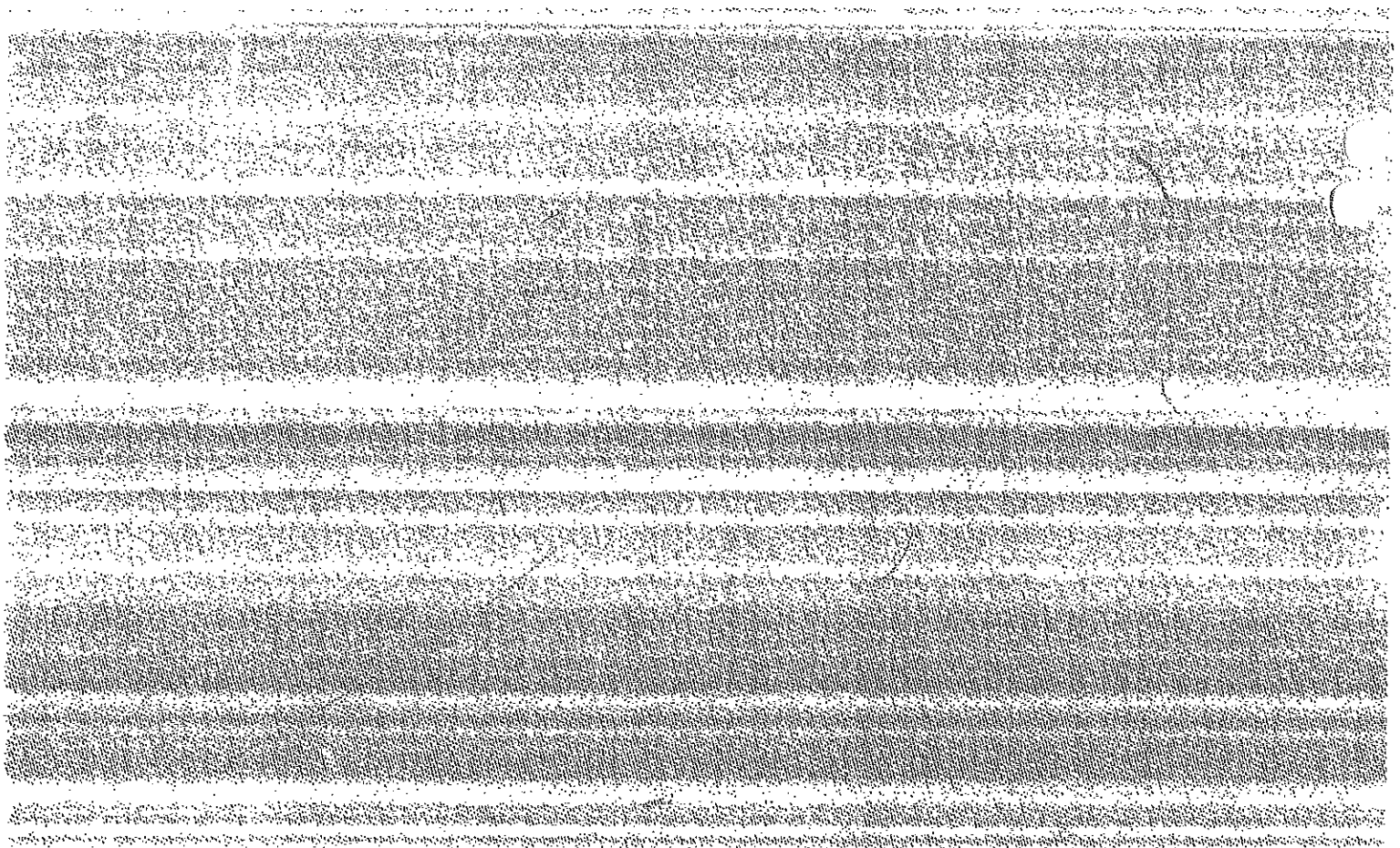
Roadway and Walkway Classification	Area Classification					
	Commercial		Intermediate		Residential	
	Footcandle	Lux	Footcandle	Lux	Footcandle	Lux
Vehicular roadways						
Freeway ¹	0.6	6	0.6	6	0.6	6
Major and expressway ¹	2.0	22	1.4	15	1.0	11
Collector						
Local	0.9	10	0.6	6	0.4	4
Alleys	0.6	6	0.4	4	0.2	2
Pedestrian walkways						
Sidewalks	0.9	10	0.6	6	0.2	2
Pedestrianways	2.0	22	1.0	11	0.5	5

NOTES:

¹ Both mainline and ramps.

² For other critical areas, the minimum footcandles are as follows:

Area Classification	Minimum Footcandles
At intersections	2.0
Parking areas	1.0
Maximum at property lines	1.0
Residential areas	
Average	.6
Minimum	.1
Plant entrances	2.0



LAND DEVELOPMENT

Borough of Helmetta

Zoning Bulk Schedule Requirements (Part 1)

Regulation	R-15	R-10	R-7	District R-5	5 off R-6 ^a	RM-GF	RM-T
Minimum lot area	15,000 square feet	10,000 square feet	7,000 square feet	5,000 square feet	6,000 square feet	15 acres	3 acres
Minimum lot width (feet)	100	100	70	50	60	500	350
Minimum lot depth(feet)	150	100	100	100	100	500	350
Minimum front yard (feet)	30	25	20	20	20	*	*
Minimum 1 side yard (feet)	15	12	10	10	10	*	*
Minimum 2 side yards (feet)	30	24	20	20	20	*	*
Minimum rear yard (feet)	30	25	20	20	20	*	*
Maximum height- Stories	2.5	2.5	2.5	2.5	2.5	3	2.5
Feet	35	35	35	35	35	40	35
Maximum building coverage (percent)	20%	20%	20%	20%	25%	20%	30%
Maximum impervious coverage (percent)	35%	40%	45%	50%	50%	50%	50%
Minimum gross floor area (square feet)	1,500	1,000	1,000	1,000	1,000	800	1,200
Minimum off-street parking spaces	2	2	2	2	2	2.2	2.2
Minimum distance between buildings (feet)	30	25	20	20	20	*	*
Maximum dwelling units per acre	2.5	4	6	8	6	10	8
Maximum dwelling units per building	1	1	1	1	1	-	6
Minimum square feet of landscaping (percent)	-	-	-	-	-	10%	10%

HELMETTA CODE

Regulation	District						
	R-15	R-10	R-7	R-5	R-6 ^a	RM-GF	RM-T
Minimum percent of open space	-	-	-	-	-	25%	25%
Accessory buildings:							
Minimum side yard (feet)*	10	5	5	5	5	15	15
Minimum rear yard (feet)*	10	5	5	5	5	15	15

NOTES:

*See specific zone requirements.

**See specific zone requirements as it applies to individual development.

***Storage sheds not to exceed 10 feet wide by 10 feet long by seven feet high.

a [Added 8-23-1995 by Ord. No. 18-1995; amended 8-23-1995 by Ord. No. 19-1995]

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